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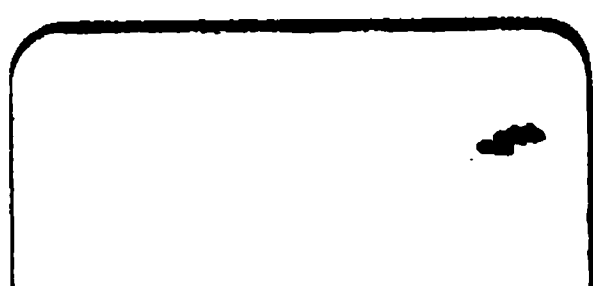
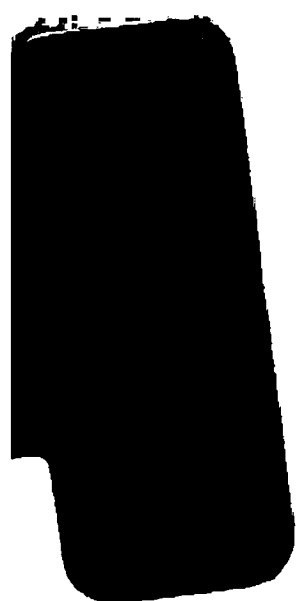
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L A W S  
OF THE  
STATE OF NEW YORK,  
PASSED AT THE  
ONE HUNDRED AND THIRTY-SIXTH SESSION  
OF THE  
LEGISLATURE,

BEGUN JANUARY FIRST, 1913, AND ENDED MAY  
THIRD, 1913,

ALSO CHAPTERS 794-800 PASSED AT THE EXTRAORDI-  
NARY SESSION, BEGUN JUNE 16, 1913,

AT THE CITY OF ALBANY,

AND ALSO OTHER MATTERS REQUIRED BY LAW TO  
BE PUBLISHED WITH THE SESSION LAWS.

**For chapters 801-810, passed at the extraordinary  
session, see end of volume 3.**

ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1913

189416

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**For chapters 801-810, passed at the extraordinary  
session, see end of volume 3.**



# CERTIFICATE.

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STATE OF NEW YORK,

OFFICE OF THE SECRETARY OF STATE,

ALBANY, *September 10, 1913.*

Pursuant to the directions of chapter 37, laws of 1909, entitled legislative law, I hereby certify that the following volume of the laws of this state was printed under my direction.

MITCHELL MAY,

*Secretary of State.*

In this volume, every act which received the assent of a majority of all the members of the legislature, three-fifths of all the members elected to either house thereof being present, pursuant to section 25 of article 3 of the constitution of this state, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the legislature, pursuant to section 15 of article 3 of the constitution of this state, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the legislature, pursuant to section 20 of article 3 of the constitution of this state, is designated under its title by the words "passed by a two-thirds vote." (See legislative law, laws of 1909, chapter 37, section 44.)



## PUBLICATION OF SESSION LAWS.

---

**§ 45. Publication of session laws; contents of published volumes of session laws.** The secretary of state shall annually cause the session laws to be published as soon as possible after the adjournment of the legislature. Such volumes shall contain:

1. A statement of the names and residences of the governor, lieutenant-governor, senators and members of assembly, the presiding officers and clerks of both houses in office during each session.

2. The laws and concurrent resolutions passed at each session.

3. Amendments to the state constitution approved and ratified by the people at the last preceding general election.

4. Tables showing the laws and parts thereof amended or repealed by such laws.

5. Indexes of the laws and concurrent resolutions contained in such volumes.

6. Such other matters as are required by law to be published in such volumes.

Such laws, concurrent resolutions, tables, indexes and other matters so required to be published shall be prepared for publication in the state library under the supervision of the director thereof. Side notes or section headings shall be inserted indicating the subject-matter of the several sections of the laws and concurrent resolutions. Suitable references to existing general or consolidated laws, codes, or special or local laws may be made in foot notes or otherwise. The said director may submit to the state printing board changes in the style of execution as to type and paper, which, when approved by such board, shall be the style of execution to be thereafter followed in the publication of session laws. All contracts hereafter entered into for the printing of session laws shall be for terms of two years, and shall provide for the printing thereof in the style as so approved, and with

the notes and references and in the form, and containing the matter, herein authorized or required. Each volume printed for the state shall contain the certificate of the secretary of state that it was printed under his direction. (Legislative law, L. 1909, ch. 37, § 45, as amended by L. 1911, ch. 272.)



# List of Officers and Members of the Legislature.

1913.

## NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS AND MEMBERS OF ASSEMBLY,  
THE PRESIDING OFFICERS AND CLERKS OF BOTH HOUSES OF THE LEGISLATURE OF  
THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED  
IN THIS VOLUME.

### GOVERNOR.

WILLIAM SULZER.....NEW YORK, NEW YORK COUNTY.

### LIEUTENANT-GOVERNOR.

MARTIN H. GLYNN.....ALBANY, ALBANY COUNTY.

### CLERK OF THE SENATE.

PATRICK E. McCABE.....ALBANY, ALBANY COUNTY.

### SENATORS.

District.	NAME.	County.	Address.
1..	Thomas H. O'Keefe.....	Nassau.....	Oyster Bay.
2..	Bernard M. Patten.....	Queens.....	Long Island City.
3..	Thomas H. Cullen.....	Kings.....	Brooklyn.
4..	Henry P. Velte.....	Kings.....	Brooklyn.
5..	William J. Heffernan.....	Kings.....	Brooklyn.
6..	William B. Carswell.....	Kings.....	Brooklyn.
7..	Daniel J. Carroll.....	Kings.....	Brooklyn.
8..	James F. Duhamel.....	Kings.....	Brooklyn.
9..	Felix J. Sanner.....	Kings.....	Brooklyn.
10..	Herman H. Torborg.....	Kings.....	Brooklyn.
11..	Christopher D. Sullivan.....	New York.....	New York city.
12..	John C. Fitzgerald.....	New York.....	New York city.
13..	James D. McClelland.....	New York.....	New York city.
14..	James A. Foley.....	New York.....	New York city.
15..	John J. Boylan.....	New York.....	New York city.
16..	<sup>1</sup> Robert F. Wagner.....	New York.....	New York city.
17..	Walter R. Herrick.....	New York.....	New York city.
18..	Henry W. Pollock.....	New York.....	New York city.

<sup>1</sup> Temporary president.

## LIST OF OFFICERS.

## SENATORS—(Concluded).

District.	NAME.	County.	Address.
19..	<sup>2</sup> George W. Simpson.....	New York.....	New York city.
20..	James J. Frawley.....	New York.....	New York city.
21..	<sup>2</sup> Stephen J. Stilwell.....	New York.....	New York city.
22..	Anthony J. Griffen.....	New York.....	New York city.
23..	George A. Blauvelt.....	Rockland.....	Monsey.
24..	John F. Healy.....	Westchester.....	New Rochelle.
25..	John D. Stivers.....	Orange.....	Middletown.
26..	<sup>4</sup> Franklin D. Roosevelt.....	Dutchess.....	Hyde Park.
27..	Abraham J. Palmer.....	Ulster.....	Milton.
28..	Henry M. Sage.....	Albany.....	Menands.
29..	John W. McKnight.....	Rensselaer.....	Castleton.
30..	George H. Whitney.....	Saratoga.....	Mechanicville.
31..	Loren H. White.....	Schenectady.....	Delanson.
32..	Seth G. Heacock.....	Herkimer.....	Ilion.
33..	James A. Emerson.....	Warren.....	Warrensburg.
34..	Herbert P. Coats.....	Franklin.....	Saranac Lake.
35..	Elon R. Brown.....	Jefferson.....	Watertown.
36..	William D. Peckham.....	Oneida.....	Utica.
37..	Ralph W. Thomas.....	Madison.....	Hamilton.
38..	J. Henry Walters.....	Onondaga.....	Syracuse.
39..	Clayton L. Wheeler.....	Delaware.....	Hancock.
40..	Charles J. Hewitt.....	Cayuga.....	Locke.
41..	John F. Murtaugh.....	Chemung.....	Elmira.
42..	Thomas B. Wilson.....	Ontario.....	Hall.
43..	John Seeley.....	Steuben.....	Woodhull.
44..	Thomas H. Bussey.....	Wyoming.....	Perry.
45..	George F. Argetsinger.....	Monroe.....	Rochester.
46..	William L. Ormrod.....	Monroe.....	Churchville.
47..	George F. Thompson.....	Niagara.....	Middleport.
48..	John F. Malone.....	Erie.....	Buffalo.
49..	Samuel J. Ramsperger.....	Erie.....	Buffalo.
50..	Gottfried H. Wende.....	Erie.....	Buffalo.
51..	Frank N. Godfrey.....	Cattaraugus.....	Olean.

<sup>2</sup> Vice-Henry Salant, originally seated on the face of the returns. A recount of the vote showed a plurality for Simpson, who was accordingly seated by the senate April 26, 1913.

<sup>3</sup> Removed from office May 24, 1913.

<sup>4</sup> Resigned March 17, 1913. Appointed assistant secretary of the navy.

LIST OF OFFICERS.

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SPEAKER OF THE ASSEMBLY.

ALFRED E. SMITH.....New York, New York County.

CLERK OF THE ASSEMBLY.

GEORGE R. VAN NAME.....Watertown, Jefferson County.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1..	Harold J. Hinman.....	Albany.....	Albany.
2..	John G. Malone.....	Albany.....	Albany.
3..	William C. Baxter.....	Albany.....	Watervliet.
	Ransom L. Richardson.....	Allegany.....	Fillmore.
	Mortimer B. Edwards.....	Broome.....	Lisle.
	Clare Willard.....	Cattaraugus.....	Allegany.
	Michael Grace.....	Cayuga.....	Weedsport.
1..	George W. Jude.....	Chautauqua.....	Jamestown.
2..	John Leo Sullivan.....	Chautauqua.....	Dunkirk.
	Robert P. Bush.....	Chemung.....	Horseheads.
	Walter A. Shepardson.....	Chenango.....	Norwich.
	Charles J. Vert.....	Clinton.....	Plattsburgh.
	Alexander W. Hover.....	Columbia.....	Germantown.
	Niles Freeland Webb.....	Cortland.....	Cortland, R. F. D. 4.
	John W. Telford.....	Delaware.....	Margaretville.
1..	Myron Smith.....	Dutchess.....	Millbrook.
2..	John Augustus Kelly.....	Dutchess.....	Poughkeepsie.
1..	George Frederick Small.....	Erie.....	Buffalo.
2..	Clinton T. Horton.....	Erie.....	Buffalo.
3..	Albert F. Geyer.....	Erie.....	Buffalo.
4..	Edward D. Jackson.....	Erie.....	Buffalo.
5..	Richard F. Hearn.....	Erie.....	Buffalo.
6..	James M. Rosan.....	Erie.....	Buffalo.
7..	Joseph Vincent Fitzgerald.....	Erie.....	Lancaster.
8..	George Geoghan.....	Erie.....	Buffalo.
9..	John Dorst, Jr.....	Erie.....	Akron.
	Spencer G. Prime, 2d.....	Essex.....	Upper Jay.
	Alexander Macdonald.....	Franklin.....	St. Regis Falls.
	James H. Wood.....	Fulton and Hamilton..	Gloversville.
	Clarence Bryant.....	Genesee.....	LeRoy.
	J. L. Patrie.....	Greene.....	Catskill.
	E. Bert Pullman.....	Herkimer.....	Fulton Chain.
1..	H. Edmund Machold.....	Jefferson.....	Ellisburg.
2..	John G. Jones.....	Jefferson.....	Carthage.
1..	John Joseph Kelly.....	Kings.....	Brooklyn.
2..	William J. Gillen.....	Kings.....	Brooklyn.
3..	Frank J. Taylor.....	Kings.....	Brooklyn.
4..	Harry W. Kornobis.....	Kings.....	Brooklyn.
5..	Vincent A. O'Connor.....	Kings.....	Brooklyn.
6..	Lester D. Volk.....	Kings.....	Brooklyn.
7..	Daniel F. Farrell.....	Kings.....	Brooklyn.
8..	John J. McKeon.....	Kings.....	Brooklyn.
9..	Frederick S. Burr.....	Kings.....	Brooklyn.
10..	George E. Dennen.....	Kings.....	Brooklyn.
11..	Karl Soden Deitz.....	Kings.....	Brooklyn.

## MEMBERS OF ASSEMBLY—(Continued).

District.	NAME.	County.	Address.
12..	Wm. Pinkney Hamilton, Jr....	Kings.....	Brooklyn.
13..	James H. Finnigan.....	Kings.....	Brooklyn.
14..	James J. Garvey.....	Kings.....	Brooklyn.
15..	Thomas E. Willmott.....	Kings.....	Brooklyn.
16..	Jesse P. Larrimer.....	Kings.....	Brooklyn.
17..	Frederick Ulrich.....	Kings.....	Brooklyn.
18..	Joseph Henry Esquirol.....	Kings.....	Brooklyn.
19..	Jacob Schifferdecker.....	Kings.....	Brooklyn.
20..	Cornelius J. Cronin.....	Kings.....	Brooklyn.
21..	Harry Heyman.....	Kings.....	Brooklyn.
22..	Joseph J. Monahan.....	Kings.....	Brooklyn.
23..	Thomas L. Ingram.....	Kings.....	Brooklyn.
	James B. Van Woert.....	Lewis.....	Greig.
	Edward M. Magee.....	Livingston.....	Groveland Station.
	Morrell E. Tallett.....	Madison.....	DeRuyter.
1..	Jared W. Hopkins.....	Monroe.....	Pittsford.
2..	Simon Louis Adler.....	Monroe.....	Rochester.
3..	August V. Pappert.....	Monroe.....	Rochester.
4..	Cyrus W. Phillips.....	Monroe.....	Rochester.
5..	Charles H. Gallup.....	Monroe.....	Adams Basin.
	Walter A. Gage.....	Montgomery.....	Canajoharie.
	Thomas B. Maloney.....	Nassau.....	Great Neck Sta., L. I.
1..	Thomas Byron Caughlan.....	New York.....	New York city.
2..	Alfred E. Smith.....	New York.....	New York city.
3..	Harry E. Oxford.....	New York.....	New York city.
4..	Aaron J. Levy.....	New York.....	New York city.
5..	James J. Walker.....	New York.....	New York city.
6..	Jacob Silverstein.....	New York.....	New York city.
7..	Peter P. McElligott.....	New York.....	New York city.
8..	Solomon Sufrin.....	New York.....	New York city.
9..	Charles D. Donohue.....	New York.....	New York city.
10..	<sup>5</sup> Maxim Birnkrant.....	New York.....	New York city.
11..	John Kerrigan.....	New York.....	New York city.
12..	Joseph D. Kelly.....	New York.....	New York city.
13..	James C. Campbell.....	New York.....	New York city.
14..	Robert Lee Tudor.....	New York.....	New York city.
15..	Theodore Hackett Ward.....	New York.....	New York city.
16..	Martin G. McCue.....	New York.....	New York city.
17..	Mark Eisner.....	New York.....	New York city.
18..	Mark Goldberg.....	New York.....	New York city.
19..	Thomas F. Denney.....	New York.....	New York city.
20..	Patrick J. McGrath.....	New York.....	New York city.
21..	Thomas Kane.....	New York.....	New York city.
22..	Edward Weil.....	New York.....	New York city.
23..	David Chester Lewis.....	New York.....	New York city.
24..	Owen M. Kiernan.....	New York.....	New York city.
25..	David H. Knott.....	New York.....	New York city.
26..	Abraham Greenberg.....	New York.....	New York city.
27..	<sup>6</sup> Raymond B. Carver.....	New York.....	New York city.
28..	Salvatore A. Cotillo.....	New York.....	New York city.
29..	Charles Joseph Carroll.....	New York.....	New York city.
30..	Louis A. Cuvillier.....	New York.....	New York city.
31..	Michael Schaap.....	New York.....	New York city.

<sup>5</sup> Vice Meyer Greenberg who resigned February 21, 1913. A recount of the vote showed a plurality for Birnkrant who was seated by the assembly, March 10, 1913.

<sup>6</sup> Resigned August 19, 1913.

# LIST OF OFFICERS.

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## MEMBERS OF ASSEMBLY—(Concluded).

District.	NAME.	County.	Address.
32..	Louis D. Gibbs.....	New York.....	New York city.
33..	Thomas John Lane.....	New York.....	New York city.
34..	Patrick Joseph McMahon....	New York.....	New York city.
35..	Ernest E. L. Hammer.....	New York.....	New York city.
1..	Eugene A. McCollum.....	Niagara.....	Lockport.
2..	Frank Mead Bradley.....	Niagara.....	Barker.
1..	Fred Frank Emden.....	Oneida.....	Utica.
2..	Herbert Erwin Allen.....	Oneida.....	Clinton.
3..	John Brayton Fuller.....	Oneida.....	Marcy.
1..	Patrick J. Kelly.....	Onondaga.....	Marcellus.
2..	Stephen Gay Daley.....	Onondaga.....	Syracuse.
3..	Thomas K. Smith.....	Onondaga.....	Syracuse.
	Herman Ferdinand Schnirel..	Ontario.....	Geneva.
1..	Caleb H. Baumes.....	Orange.....	Newburgh.
2..	William Thomas Doty.....	Orange.....	Circleville.
	Marc Wheeler Cole.....	Orleans.....	Albion.
	Thaddeus C. Sweet.....	Oswego.....	Phoenix.
	LaVern P. Butts.....	Otsego.....	Oneonta.
	John R. Yale.....	Putnam.....	Brewster.
1..	Samuel J. Burden.....	Queens.....	Long Island City.
2..	<sup>1</sup> Alfred J. Kennedy.....	Queens.....	Whitestone.
3..	Albert C. Benninger.....	Queens.....	Ridgewood.
4..	<sup>2</sup> Howard Sutphin.....	Queens.....	Jamaica.
1..	C. Frederick Schwarz.....	Rensselaer.....	Troy.
2..	Tracey D. Taylor.....	Rensselaer.....	Berlin.
	Ralph Rappé McKee.....	Richmond.....	Tompkinsville.
	Frederick George Grimme....	Rockland.....	Sparkill.
1..	Frank L. Seaker.....	St. Lawrence.....	Gouverneur.
2..	John A. Smith.....	St. Lawrence.....	North Lawrence.
	Gilbert Thompson Seelye....	Saratoga.....	Burnt Hills.
	Arthur Porter Squire.....	Schenectady.....	Rotterdam Junction.
	Edward A. Dox.....	Schoharie.....	Richmondville.
	John W. Gurnett.....	Schuyler.....	Watkins.
	Augustus S. Hughes.....	Seneca.....	Seneca Falls.
1..	Charles A. Brewster.....	Steuben.....	Addison.
2..	James L. Seely, Jr.....	Steuben.....	Canisteo.
1..	Stephen A. Fallon.....	Suffolk.....	Setauket.
2..	John J. Robinson.....	Suffolk.....	Centerport.
	John K. Evans.....	Sullivan.....	Bloomington.
	John Gilbert Pembleton....	Tioga.....	Tioga Center.
	Minor McDaniels.....	Tompkins.....	Ithaca.
<sup>1</sup> 1..	Lawrence M. Kenney.....	Ulster.....	Saugerties.
2..	Eldridge M. Gathright.....	Ulster.....	Marlborough.
	Henry E. H. Brereton.....	Warren.....	Diamond Point, Lake George.
	Eugene R. Norton.....	Washington.....	Granville.
	Albert Yeomans.....	Wayne.....	Walworth.
1..	Tracy P. Madden.....	Westchester.....	Yonkers.
2..	Verne Morgan Bovie.....	Westchester.....	New Rochelle.
3..	Wilson Randolph Yard.....	Westchester.....	Pleasantville.
4..	Mortimer Charles O'Brien....	Westchester.....	White Plains.
	John Knight.....	Wyoming.....	Arcade.
	Edward C. Gillett.....	Yates.....	Penn Yan.

<sup>1</sup> Resigned May 10, 1913.

<sup>2</sup> Resigned August 13, 1913.





# LAWS OF THE STATE OF NEW YORK.

PASSED AT THE 136TH REGULAR SESSION OF THE LEGISLATURE, BEGUN JANUARY 1, 1913, AND ENDED MAY 3, 1913, AT THE CITY OF ALBANY, AND INCLUDING CHAPTERS 794-800 PASSED AT THE EXTRAORDINARY SESSION, BEGUN JUNE 16, 1913.

## VOLUME II.

### Chap. 372.

AN ACT to amend the inferior criminal courts act of the city of New York, in relation to the city magistrates' courts.<sup>1</sup>

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fifty-two of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten, entitled "An act in relation to the inferior courts of criminal jurisdiction in the city of New York, defining their powers and jurisdiction and providing for their officers," as amended by chapter four hundred and sixty-four of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

L. 1910,  
ch. 659,  
§ 52, as  
amended by  
L. 1912,  
ch. 464,  
amended.

§ 52. **Qualification of magistrates.** No person shall be appointed to the office of city magistrate unless he shall have been admitted to practice as an attorney and counselor-at-law of the supreme court of the state at least three years prior to the date of such appointment, unless he was a city magistrate, or was acting as a city magistrate on or before the first day of January, nineteen hundred and five.

§ 2. Section sixty of such act is hereby amended to read as follows:

§ 60  
amended.

§ 60. **Additional magistrates.** Whenever two-thirds in number of the magistrates of a division shall transmit to the mayor a certificate signed by them that in their opinion the business of said magistrates' courts in said division is such as to require an increase in the number of city magistrates, the mayor may provide

<sup>1</sup>The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

for an increase in the number of said city magistrates, and such additional city magistrates shall be appointed for two, four, six, eight or ten years, as the expiration of the terms of city magistrates holding office shall require, in order that, as nearly as may be, an equal number of city magistrates shall be appointed every two years. The successor of each of such city magistrates shall be appointed by the mayor for the full term of ten years. The comptroller of the city of New York, with the action or concurrence of the board of estimate and apportionment of the city, shall make provision by the issue and sale of special revenue bonds, until due and adequate provision shall thereafter be made therefor in the annual budget of such city, for the salaries of additional magistrates appointed pursuant to the provisions of this section.

§ 72  
amended.

§ 3. Section seventy-two of such act is hereby amended to read as follows:

§ 72. **General jurisdiction; cases arising under motor vehicle law or statutes relating to cruelty to animals.** The chief city magistrate and the city magistrates of the city of New York are magistrates within the meaning of the provisions of the code of criminal procedure and the penal law, and city magistrates' courts are police courts within the meaning of the provisions of the code of criminal procedure and the penal law. Each of the chief city magistrates and the city magistrates have all the powers and jurisdiction possessed by city magistrates of the city of New York on the first day of April, nineteen hundred and ten, and, in addition, shall have the jurisdiction of the court of special sessions, upon a plea of guilty to a charge of violation of the motor vehicle law, first offense, or of a violation of any law for the prevention of cruelty to animals. Each of said magistrates shall have jurisdiction in either of the judicial divisions of the city and may perform any and all of the duties and functions of a magistrate in and for any one of the counties in said city in which he may be assigned; any subpoenas issued by him may be served in any county in said city without the endorsement provided for in section six hundred and eighteen of the code of criminal procedure, and any warrants issued by him may be executed in any county in said city without the endorsement provided for in section one hundred and fifty-seven of said code.

§ 72a, as  
added by  
L. 1912,  
ch. 467,  
amended.

§ 4. Section seventy-two-a of said act as added by chapter four hundred and sixty-seven of the laws of nineteen hundred and twelve is hereby amended to read as follows:

**§ 72-a. Power of magistrate to admit to, fix and accept bail.** The city magistrates in the city of New York shall have the power and jurisdiction to admit to, fix and accept bail before indictment in all cases where a judge of the general sessions in the city of New York or a county judge of any of the counties whose boundary is within the territorial limits of the city of New York has such power. Whenever a person is arrested before indictment in the city of New York for a felony, whether with or without a warrant, at a time when the city magistrates' court where the prisoner should be arraigned, as provided in section seventy-five of this act, is not in session, any magistrate residing in or assigned to the division in which the prisoner is in custody, may, in his discretion, if the offense charged be a bailable one, admit such person to bail and take bail for his appearance before the magistrate before whom he would be arraigned, if not bailed, at his next regular public sitting. Upon the arraignment of a defendant, if an adjournment be granted, the magistrate shall hold the defendant in bail for his appearance during examination or pending trial in a magistrate's court, or he may, in his discretion, except in the case of a felony, parole the defendant. If the defendant be admitted to bail, the bail may be taken by any magistrate residing in or assigned to the division in which the defendant is arraigned.

**§ 5.** Section seventy-five of said act is hereby amended to read as follows: **§ 75**  
amended.

**§ 75. Arraignments must be made before magistrate having territorial jurisdiction.** Upon the arraignment of a prisoner in any city magistrate's court, other than a night court or a domestic relations court, the city magistrate shall first determine whether the offense was committed within the territorial jurisdiction of that court. If not, he shall refuse to proceed with the hearing and shall forthwith order that the prisoner be arraigned at the city magistrate's court which has territorial jurisdiction of the offense with which the prisoner is charged, and shall make written report of all the circumstances of such unlawful arraignment to the chief city magistrate of his division without delay.

**§ 6.** The said act is hereby further amended by adding thereto a new section to be known as section seventy-five-a thereof and to read as follows: **§ 75a**  
added.

**§ 75-a. Arraignment before magistrates on short affidavits in the absence of complainant.** Whenever a defendant is arraigned before a city magistrate in the city of New York charged with a felony, and the officer having such defendant in charge makes

affidavit that he is unable at the time of the arraignment to produce the complainant either by reason of physical injury or disability or owing to temporary absence, or that the evidence is not complete, the city magistrate before whom the said defendant is arraigned may, in his discretion, hold said defendant to bail if the offense be a bailable one, or in default of giving bail commit said defendant to the city prison, for a period not to exceed forty-eight hours from the time of the arraignment before said magistrate or for a longer period by the consent of the defendant. But the city magistrate, in case of personal injury where the complainant is under medical care or is confined to a hospital may adjourn the hearing in any case from time to time to await the result of such injuries on the affidavit of a regularly licensed physician, or in the case of a hospital on the certificate of a physician of such hospital.

§ 77, as  
amended by  
L. 1911,  
ch. 510,  
amended.

§ 7. Section seventy-seven of said act as amended by chapter five hundred and ten of the laws of nineteen hundred and eleven is hereby amended to read as follows:

§ 77. Night courts; separate court for women. On and after the first day of September, nineteen hundred and ten, the board of city magistrates of the first division shall provide for the holding of two night sessions of the court, one of which shall be exclusively for the hearing of cases and proceedings against men, and against men and women charged with offenses arising out of the same transaction, and one exclusively for the hearing of cases and proceedings against women. Said night sessions or court shall be held in different buildings, and each night court shall open at eight o'clock in the evening and shall not close earlier than one o'clock in the morning or at such later hour as the chief city magistrate, in his discretion, shall deem best for the public interest. All persons who are arrested, except on a charge of felony, after the day courts are closed, or at an hour too late to be brought to a day court, must be brought to the night courts. There shall be established on October first, nineteen hundred and ten, a place of detention, under the jurisdiction of the commissioner of correction, convenient to the night court for women, where women may be detained both before and after being heard, and in such detention place the young and less hardened shall be segregated, so far as practicable, from the older and more hardened offenders. Any magistrate, pending adjournment of the trial, or after conviction pending investigation before imposition of sentence, may, in his discretion, parole in the custody of the probation officer any female

arraigned in any one of the magistrates' courts for any offense other than a felony; or may, subject to release on bail if before conviction, commit her temporarily to such institution for the reception of females as in his judgment is most suitable. And such institutions are hereby authorized and directed to receive such females upon such short commitments. But no such commitment shall be for a longer period than four days, except with the consent of the defendant.

§ 8. Section seventy-eight of said act is hereby amended to read <sup>§ 78</sup> <sub>amended.</sub> as follows:

§ 78. Identification of prostitutes; finger-print system. In the night court for women, and such other courts as the boards of magistrates may designate, there shall be established and maintained the method of identification of prisoners known as the finger-print system. The finger-prints of all females convicted for any of the offenses enumerated in section eighty-nine of this act, shall be taken by officers or employes of the police department detailed for that purpose or by such officers or employees as may be designated by the chief city magistrate. One impression or duplicate shall be classified and preserved in the court where the same was made; a second shall be promptly delivered to and classified and preserved in the office of the chief clerk of the division, and the third shall be forthwith delivered to the police commissioner. The board of city magistrates of each division is empowered to make and from time to time to amend rules and regulations prescribing the courts in which females arrested after the closing of the night court for any of the offenses enumerated in section eighty-nine of this act shall be arraigned and the court where such females shall be tried, and to provide for their detention, release or parole pending trial.

§ 9. Section eighty-two of said act is hereby amended to read <sup>§ 82</sup> <sub>amended.</sub> as follows:

§ 82. Summons. a. When a complaint, oral or written, is made to a magistrate and the magistrate believes that in the public interest he should inquire into and investigate the complaint so made, he may, in his discretion, issue a summons which shall be substantially in the following form:

CITY MAGISTRATES' COURT OF THE CITY OF NEW YORK.

..... Division, ..... District.

In the name of the people of the State of New York:

To .....

Complaint having been made this day by .....

that you (here briefly state nature of offense in regard to which complaint is made), you are hereby summoned to appear before me or the city magistrate holding this court, at (location of court) on the ..... day of ..... 19.... at .... o'clock .. m., to the end that an investigation may be made of said complaint; and upon your failure to appear at the time and place herein mentioned, you are liable to a fine of not exceeding twenty-five dollars.

Dated at .....  
the ..... day of .....

.....  
City Magistrate.

b. Upon said summons shall be indorsed the name of the complainant and of the person summoned and also a brief description of the offense complained of.

c. A record shall be kept of the issuance and disposition of each summons in such manner as the rules governing the court may provide.

d. The form of summons may be changed by the chief city magistrate in such manner as may be approved by the board of magistrates of which he is the presiding officer.

e. Such summons may be served by the complainant, or by a peace officer, or by any other person designated by the magistrate.

f. Upon the return of the summons the magistrate shall inquire and investigate into the subject-matter of the complaint and determine whether the case is one in which a warrant should issue.

g. If the person summoned does not appear, such failure to appear shall constitute contempt, which the magistrate is empowered to punish by a fine of not exceeding twenty-five dollars.

h. The board of city magistrates in each division of the city is empowered and directed to prepare and issue summons in blank, attested in the name of its chief city magistrate, to members of the police force of and all other peace officers in the city of New York for the purposes stated in sections eighty-three, eighty-four, eighty-five, eighty-six and eighty-seven of this act, which summons, when filled in and countersigned by such officer, and served upon the person or persons to whom they are addressed, shall have the same force and effect and shall be obeyed as implicitly, subject to the same penalties for disregard thereof as if individually and directly issued by the chief city magistrate attesting the same.



§ 10. Section eighty-four of said act is hereby amended to read § 84  
amended.  
as follows:

§ 84.  **Holders of police identification cards may be served with summons.** On or before the fifteenth day of August, nineteen hundred and ten, the police commissioner shall make rules and regulations prescribing a card or token of identification, which shall be issued by the police department to any person of good character applying for the same who has been satisfactorily identified to the police department. The police commissioner from time to time may make and alter such rules and regulations as in his judgment may be necessary to carry out the provisions of this section, and he may also from time to time make such additional rules and regulations as will authorize members of the police force to serve a summons in lieu of arrest upon a person not having a card or token of identification who can otherwise be satisfactorily identified where such person is charged with violation of the motor vehicle law or of any ordinance, or of the sanitary code or any rule or regulation of any department of the city of New York, unless such person is unable to take care of himself by reason of injury or intoxication or is charged with conduct tending to a breach of the peace.

§ 11. Section eighty-eight of said act is hereby amended to § 88  
amended.  
read as follows:

§ 88.  **Commitment of persons convicted of public intoxication, disorderly conduct or vagrancy.** Whenever any person other than a child under the age of sixteen years is convicted in the city of public intoxication, disorderly conduct that tends to a breach of the peace, or vagrancy, other than as provided in sections eighty-eight-a and eighty-nine of this act, the magistrate, before whom such conviction is had, shall, subject to the provisions of section ninety-two of this act, impose upon the person so convicted one or other of the penalties herein provided:

1. The magistrate may commit such person, if a female, for not exceeding one year, in the boroughs of Manhattan and the Bronx, to the Roman Catholic House of the Good Shepherd, the Protestant Episcopal House of Mercy or the New York Magdalen Benevolent Society; in the borough of Brooklyn, to the Wayside Home, House of the Good Shepherd or the Bethesda Home, and in the other boroughs to one of the above named institutions or to any other similar institution for women incorporated to carry on reformatory or rescue work in the city of New York.

2. The magistrate may commit such female for the term of

three years to the state farm for women under the provisions of chapter four hundred and sixty-seven of the laws of nineteen hundred and eight.

3. The magistrate may commit such person, whether male or female, in the boroughs of Manhattan, Brooklyn and the Bronx, to the workhouse on Blackwell's island, and in the other boroughs of said city to a county jail, for a definite term not exceeding six months.

4. The magistrate may impose a fine not exceeding ten dollars. Upon the payment of the fine imposed, the person so convicted shall be forthwith discharged from custody. If, in the judgment of the magistrate, the person so convicted may be relied upon to pay the fine imposed within a reasonable time, the person so convicted may be conditionally released, and shall be furnished by the clerk of the court with a written certificate that he is released upon condition that the fine imposed be paid into the court within a time to be named in the certificate. If the fine be not paid within such time, the magistrate sitting in the magistrate's court in which such conviction was had, shall issue a warrant for the arrest of such person, and shall commit him pursuant to the provisions of this section, as to commitment in case of the non-payment of a fine imposed, in the same manner as if he had not theretofore been conditionally released. If the fine imposed be not paid forthwith, the person so fined shall, if he be not conditionally released as hereinabove provided, be committed, in the boroughs of Manhattan, Brooklyn and the Bronx, to a city prison, and in the other boroughs of said city, to the county jail of the county in which he shall have been convicted, for not exceeding ten days, each day of imprisonment to be taken as a liquidation of one dollar of the fine.

5. The magistrate may require any person so convicted to give sufficient surety or sureties for his good behavior for a period of time, to be recited in the commitment, of not more than six months. In default of giving such surety forthwith, the court or magistrate shall commit such person, in the boroughs of Manhattan, Brooklyn and The Bronx, to a city prison, to be thereafter transferred to and detained in the workhouse, and in the other boroughs of said city to the county jail of the county in which he shall have been convicted or to said workhouse, to be there detained until such surety is furnished, or until the expiration of the period of time fixed by said commitment as aforesaid. Nothing in this section con-

tained shall be so construed as to prevent any magistrate from committing any person so convicted to any state institution to which, and for any term longer than six months, for which such magistrate may now be authorized to commit by law.

6. The magistrate may suspend sentence or place such person upon probation.

§ 12. The said act is hereby amended by adding a new section thereto to be known as section eighty-eight-a thereof and to read as follows: § 88a  
added.

§ 88-a. **Persons convicted of public intoxication.** When a board of inebriety shall have been appointed in the city of New York and when the said board shall have certified in writing to the mayor that the hospital and industrial colony of the said board is ready to receive inmates, upon a charge of public intoxication, the court or magistrate having jurisdiction, notwithstanding any other provision of law in this act or in force at the time this act takes effect, shall proceed in accordance with the following provisions:

a. Dismiss the complaint upon the receipt of a written request from the person arrested to be released, and upon the receipt of a report from a field officer of the board of inebriety.

b. Issue warrant for the arrest of a person released pursuant to the provisions of the charter of the city of New York and make such disposition of the case as is authorized in the subsequent provisions of this section.

c. Release the person so convicted, under the supervision of a field officer appointed by the board of inebriety, for a period of not less than six months nor more than one year, upon such conditions as the court may impose. The field officer, in case of the violation of any such condition or conditions, shall arrest the offender and bring him before the court. The court may thereupon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released under supervision two or more times and has twice violated the conditions of his release.

d. Release the person so convicted, under supervision, as provided in subdivision c of this section, and in addition impose a fine of not to exceed twenty-five dollars. Such fine may be paid in instalments in such amounts and at such times as the court may determine and shall be paid to the board of inebriety at such place and in such manner as the board may direct. Failure to pay such fine in such amounts and at such times as the court may

have determined shall be considered a violation of the terms on which such person was released under supervision, and the field officer shall thereupon arrest the offender and bring him before the court. The court may thereupon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released two or more times with an added fine imposed and has twice failed to pay the fine. All fines and portions of fines so collected shall be reported by the field officers to the court imposing such fines and shall be turned over to the board of inebriety and transmitted by such board monthly to the comptroller.

e. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than three months nor more than six months, provided such person has not been previously committed to the custody of such board, and provided he has previously been arrested for public intoxication within the twelve months next preceding.

f. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than six months nor more than one year, provided such person has previously been committed to such board.

g. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period not less than one year nor more than three years, provided such person has been previously committed two or more times to such board.

h. Commit the person so convicted to the workhouse for a period of not less than one year nor more than three years.

§ 89, as  
amended by  
L. 1913,  
ch. 460,  
amended.

§ 13. Section eighty-nine of said act as amended by chapter four hundred and sixty of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 89. **Commitments of females convicted of certain offenses.** Whenever any female, other than a child under the age of sixteen years, is convicted in the city of New York of being a common prostitute, of soliciting on public streets or places for purposes of prostitution, of frequenting disorderly houses or houses of prostitution, or of vagrancy under subdivisions three or four of section eight hundred and eighty-seven of the code of criminal procedure, or under subdivision two of section fourteen hundred and fifty-eight of chapter four hundred and ten of the laws of eighteen hundred and eighty-two as amended, known as the consolidation act, or under section one hundred and fifty of chapter ninety-nine of the laws of nineteen hundred and nine as amended, known as

the tenement house law, the magistrate before whom such conviction is had, shall, subject to the provisions of section ninety-two of this act, impose upon the person so convicted one or other of the penalties herein provided:

1. The magistrate may commit such female for the term of three years, in the boroughs of Manhattan and The Bronx, to the Roman Catholic House of the Good Shepherd, The Protestant Episcopal House of Mercy or the New York Magdalen Benevolent Society; in the borough of Brooklyn, to the Wayside Home, House of the Good Shepherd or the Bethesda Home, and in the other boroughs to one of the above named institutions or to any other similar institution for women incorporated to carry on reformatory or rescue work in the city of New York.

2. The magistrate may commit such female for the term of three years, to the state reformatory for women at Bedford, pursuant to the provisions of section two hundred and twenty-six of the state charities law, chapter fifty-five of the consolidated laws as amended, to be there confined as provided by such law and by any other statute relating to such reformatory except as otherwise provided in this section and in section ninety-two of this act.

3. The magistrate may commit such female for the term of three years to the state farm for women under the provisions of chapter four hundred and sixty-seven of the laws of nineteen hundred and eight.

4. The magistrate may commit such female for a definite term not exceeding six months in the boroughs of Manhattan, Brooklyn and the Bronx to the workhouse on Blackwell's Island, and in the other boroughs of said city to a county jail.

5. The magistrate may, except in the case of females convicted under section one hundred and fifty of chapter ninety-nine of the laws of nineteen hundred and nine as amended, known as the tenement house law, suspend sentence or place such female upon probation.

§ 14. Section ninety of said act is hereby amended to read as follows: § 90  
amended.

§ 90. **Identification; reports.** Whenever any person is convicted in the city of public intoxication or vagrancy, or is convicted under the provisions of section eighty-nine of this act, it shall be the duty of the chief city magistrate within twenty-four hours after such conviction, to ascertain from the records within his charge whether such person has been previously convicted.

It shall also be his duty, after any person is so convicted, within twenty-four hours to make an examination and take the identification of any such person according to the system known as the "finger print system." It shall also be his duty within such twenty-four hours to transmit to the magistrate convicting such person a written report showing the name, aliases, and sex, of any such person and describing the finger prints or other signs whereby such person may be identified, the date of all previous convictions, the offense for which such person was convicted, the sentence imposed in each case and the name of the magistrate by whom such convictions were made, and such other information as the chief city magistrate may determine. Such report shall in each case be attached to the complaint and shall be filed as part of the court records. The system of identification and reports herein provided for may at any time be extended to such courts and to such other classes of offenses and offenders as the board of magistrates in each division may determine.

§ 91  
repealed.

§ 15. Section ninety-one of said act is hereby repealed.

§ 92  
amended.

§ 16. Section ninety-two of said act is hereby amended to read as follows:

§ 92. **Discharge of persons committed.** Any person committed under the provisions of sections eighty-eight or eighty-nine of this act to an institution other than a work-house or county jail, may be released from such institution before the expiration of the term for which such person was committed, upon the written certificate of the responsible head of such institution setting forth the reasons for such release. No such person shall be so released within six months after commitment without the written consent endorsed upon such certificate of the magistrate making such commitment, or if he be absent, disabled or no longer a magistrate, of the chief city magistrate; and such magistrate instead of consenting to such release may order the said person to be transferred to any of the institutions named in sections eighty-eight and eighty-nine of this act for the balance of the term or the magistrate may dispose of the case in any of the ways prescribed in said sections. In all cases all certificates and all reports and papers connected therewith shall be filed with the papers in the case and shall be part of the court record.

§ 92a  
added.

§ 17. The said act is hereby further amended by adding a new section thereto, to be known as section ninety-two-a thereof and to read as follows:

§ 92-a. **Suspension of sentence without probation.** After a



plea of guilty or conviction, in a magistrate's court by or of any defendant, the magistrate may suspend sentence upon such defendant without placing him in the custody or supervision of a probation officer. In any such case, however, the magistrate or any magistrate sitting in the same district may at any time prior to the expiration of one year, revoke such suspension of sentence and issue a warrant for the arrest of such person and may pronounce any judgment upon the defendant which he might have pronounced before suspending sentence.

§ 18. The said act is hereby further amended by adding a new section thereto to be known as section ninety-eight-a thereof and to read as follows: § 98a added.

§ 98-a. Remand pending investigation. After a conviction or a plea of guilty the magistrate may remand the defendant for a period not to exceed three days for investigation before pronouncing sentence.

§ 19. This act shall take effect July first, nineteen hundred and thirteen. In effect July 1, 1913.

## Chap. 373.

AN ACT to amend chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York," in relation to a chief clerk.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one of chapter five hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act in relation to the office of sheriff of the city and county of New York," as amended by chapter three hundred and fifteen of the laws of eighteen hundred and ninety-one, chapter four hundred and seventy-seven of the laws of eighteen hundred and ninety-four, chapter six hundred and thirty-six of the laws of eighteen hundred and ninety-seven, chapter seven hundred and sixty-one of the laws of nineteen hundred and eleven and chapter five hundred of the laws of nineteen hundred and twelve, is hereby amended to read as follows: L. 1890, ch. 523, § 1, as amended by L. 1891, ch. 315, L. 1894, ch. 477, L. 1897, ch. 636, L. 1911, ch. 761, and L. 1912, ch. 500, amended.

§ 1. From and after the first day of June, eighteen hundred and Salary of sheriff.

ninety-seven, the sheriff of the county of New York shall be allowed a salary at the rate of twelve thousand dollars per year, which said salary shall be in full for all services and duties performed by the said sheriff in summoning jurors, transporting prisoners, certifying the number of convictions for crimes to the secretary of state, and for all other services performed by him either for the state of New York, or for the county of New York; and for all services and duties performed by the said sheriff for which certain fees are allowed as specified and set forth in section seventeen of this act and the various subdivisions thereof and in section three thousand three hundred and seven of the code of civil procedure, the said sheriff shall be entitled to one-half of such fee to be paid to him as hereinafter provided. The under sheriff of the said county of New York shall be allowed a salary at the rate of six thousand dollars per year; and each deputy of said sheriff not exceeding fifteen shall be allowed a salary of twenty-five hundred dollars per year; and each of these deputy sheriffs shall be allowed an assistant, to be appointed by the sheriff, who shall receive a salary of one thousand five hundred dollars per year. And the duties of the said under sheriff, deputy sheriffs and assistants shall be as prescribed by the sheriff. This provision shall not relate to such persons as the sheriff may from time to time appoint to perform particular acts. The said sheriff may appoint counsel who shall receive a salary of six thousand dollars per annum. The sheriff may appoint an assistant counsel to the sheriff, who shall receive a salary of three thousand dollars per annum. <sup>1</sup>The sheriff may appoint a chief clerk, who shall receive a salary of three thousand five hundred dollars per annum.

Under  
sheriff,  
deputy  
sheriffs,  
etc.

Counsel  
and as-  
sistant  
counsel.

Chief  
clerk.

§ 2. This act shall take effect immediately.

## Chap. 374.

AN ACT to amend the military law, in relation to the compensation of the major-general.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and nineteen<sup>2</sup> of the laws of nineteen hundred and nine, entitled "An act in relation to the

L. 1909,  
ch. 41,  
§ 219  
amended.

<sup>1</sup> Following sentence new.

<sup>2</sup> Should read: "Section two hundred and nineteen of chapter forty-one."



militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 219. Allowance for salaries of the major-general and<sup>3</sup> officers of division, staff and clerks. <sup>4</sup>The major-general shall receive an annual salary equal in amount to the pay of a major-general in the army of the United States. There shall be allowed annually fifteen thousand dollars or so much thereof as may be necessary for salaries of the following officers detailed for duty on the staff of the division: two adjutants-general; two inspectors-general; two officers of the ordnance department. The amount thus allowed shall be expended as the major-general may direct. The necessary traveling expenses and subsistence of the major-general and the officers of the division staff when traveling on duty and under orders as well as the office expenses including printing, stationery, postage, expressage and clerical services shall also be allowed.

§ 2. This act shall take effect immediately.

## Chap. 375.

AN ACT to amend the highway law, in relation to the amount of state aid.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and one of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended by adding thereto a new subdivision, to be subdivision seven, to read as follows:

7. Where a town, having within its limits an incorporated village or city of the third class, shall levy a tax upon the whole town including such incorporated village or city, the same to be spent wholly without the limits of such village or city, for the repair and improvement of highways, sluices, culverts and bridges having a span of less than five feet, the amount of such tax shall

Subd. 7  
added to  
L. 1909,  
ch. 30,  
§ 101.

Amount  
of state  
aid in  
certain  
cases.

<sup>3</sup> Words "the major-general and," new.

<sup>4</sup> Following sentence formerly read: "The major-general shall serve without salary and receive pay only when on duty and under the same conditions as permitted by this chapter to other officers of the line."

be included in the statement to be transmitted by the clerk of the board of supervisors to the comptroller as required by section one hundred of the highway law and such amount shall be used as an additional basis of the amount of state aid under this section, the same as if such tax were levied wholly without the limits of such incorporated village or city of the third class.

§ 2. This act shall take effect immediately.

## Chap. 376.

AN ACT to amend section one of chapter four hundred and fifty-nine of the laws of nineteen hundred and seven, entitled "An act in relation to school district number six in the town of Lyons in Wayne county and repealing various acts relating specially thereto," in relation to the boundaries of said district and the alteration thereof.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1907,  
ch. 459,  
§ 1  
amended.

Section 1. Section one of chapter four hundred and fifty-nine of the laws of nineteen hundred and seven, entitled "An act in relation to school district number six in the town of Lyons in Wayne county and repealing various acts relating specially thereto," is hereby amended to read as follows:

Boundaries  
to comprise  
what ter-  
ritory.

§ 1. The boundaries of school district number six in the town of Lyons in the county of Wayne shall hereafter comprise the following described territory,<sup>1</sup> to wit: Beginning at a point in the south bounds of the corporate limits of the village of Lyons, being a point three hundred and twenty rods south of the center of the hall in the Wayne county court house; thence west about four thousand and thirty-one and one-fourth feet to a white stone post at the intersection of the south bounds of such village with the west line of a highway known as Maryland street; thence northerly, along the west line of such highway, to its intersection with the south line of the Leach Mill road; thence westerly, along the south line of such road, to a white stone post in the west bounds of said village; thence northerly about five hundred and ninety-

<sup>1</sup> Section to here formerly read: "The boundaries of school district number six in the town of Lyons in the county of Wayne are hereby altered so as to comprise the following described territory and no other."

two and three-fourths rods to the northwest corner of said village; thence easterly<sup>2</sup> along the north bounds of said village to its intersection by the center line of the so-called New Sodus road, being the extension of Phelps street in the said village; thence northerly along the center of said New Sodus road to its intersection by the center of the so-called Parshall New road; thence northerly along the center of the so-called Parshall New road to a point where it is intersected by a westerly extension of the north line of a farm known as Oliver Horn farm and being the south line of the Sarah Gardner farm; thence easterly along said farm line and the extension thereof to the range line between the fourth and fifth ranges of Colt's allotment of the gore in said town of Lyons; thence southerly along said range line to the north bounds of said village; thence easterly along said north bounds<sup>3</sup> to the northeast corner of said village; thence southerly six hundred and forty rods to the southeast corner of said village; thence westerly three hundred and twenty rods to the place of beginning; in which description all bearings are stated according to the indications of the magnetic needle in the year eighteen hundred and fifty-four, in such territory. <sup>Alteration of boundaries.</sup> "The boundaries of said district may hereafter be altered as provided for the alteration of the boundaries of common school districts by the education law, and the acts amendatory thereof."

§ 2. This act shall take effect immediately.

## Chap. 377.

AN ACT to amend the tax law, in relation to sales for non-payment of taxes in Sullivan county.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections one hundred, one hundred and fifty and one hundred and fifty-one of chapter sixty-two of the laws of nineteen <sup>L. 1909, ch. 62, §§ 100, 150, 151 amended.</sup>

<sup>2</sup> Words "six hundred and forty rods," omitted.

<sup>3</sup> Words "along the north bounds" on page 810, line 15 of this section, to here, new.

<sup>4</sup> Following sentence new.

hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," are hereby amended to read, respectively, as follows:<sup>1</sup>

§ 100. **Return of unpaid nonresident taxes.** The collector shall return the original assessment-roll to the county treasurer, and when the treasurer finds an account of unpaid taxes on real property or unpaid taxes on corporations, received from a collector to be a true transcript of such original assessment-roll to which the collector's warrant is attached with the descriptions furnished by the supervisor as provided in section eighty-nine, he shall add to it a certificate that he has examined and compared the account with such roll and found it to be correct, and after crediting the collector with the amount thereof, he shall, except in Saint Lawrence, Sullivan,<sup>2</sup> Lewis, Clinton and Oneida counties, in case his county embraces a portion of the forest preserve, before the first day of May next ensuing, transmit such account, affidavit and certificate to the comptroller who may, before acting thereon, return any such account to the county treasurer for correction, who shall make such correction and return to the comptroller in one month thereafter or as the comptroller may otherwise direct.

§ 150. **When lands to be sold for unpaid taxes.** Whenever any tax charged on real estate, in the counties of Saint Lawrence, Sullivan,<sup>2</sup> Lewis, Clinton and Oneida, or in a county not including a portion of the forest preserve, is returned to the county treasurer, he shall not return the same to the comptroller, but if such tax, with interest thereon at the rate of ten per centum per annum, computed from the first day of February, after the same is levied, shall remain unpaid for six months from that date, such county treasurer shall advertise and sell such real estate as herein provided for the payment of such tax and interest and the expenses of such sale. The expense of publication of the notice of sale and the list of lands to be sold and the expense of conducting the sale, and the expense of publication of the notice of unredeemed lands, if thereafter redeemed, shall be a charge on the land liable to be sold and shall be added to the tax and interest. The county treasurer of the county of Rockland may defer the sale of any parcel of nonresident real estate in such county for unpaid taxes,

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<sup>1</sup>Sections 100, 150, 151 are again amended by L. 1913, ch. 642, post. The amendments effected here are not incorporated in these sections as amended by said ch. 642.

<sup>2</sup>Inclusion of Sullivan county new.

until the unpaid taxes thereon with accrued interest shall amount in the aggregate to the sum of two dollars.

§ 151. **Advertisement and sale.** The county treasurer shall immediately after the expiration of such six months cause to be published at least once in each week for six weeks, in two newspapers designated for the publication of the session laws, a list of real estate so liable to be sold, together with a notice that such real estate will, on a day at the expiration of said six weeks specified in such notice, and the succeeding days, be sold at public auction at the courthouse in the county where the same is situated, to discharge the taxes, interest and expenses that may be due thereon, at the time of such sale. Such list shall contain the name of the owner or occupant of each piece of real estate to be sold, as the same appears upon the assessment-roll of the year in which unpaid taxes were assessed, a brief description of such real estate, and the total amount of such unpaid taxes for the year advertised, which said total amount shall include all taxes, interest, expenses and other charges against the property for the year advertised. The comptroller may prescribe the form and manner of preparing such list, which when so prescribed shall be followed so far as possible by the several counties of the state. No such list shall be published until the same shall have been submitted to and approved by the state comptroller. On the days mentioned in such notice the county treasurer shall begin the sale of said real estate and continue the same from day to day. The charges for publishing such notice shall be seventy-five cents per folio for the first insertion, and fifty cents per folio for each subsequent insertion. The counties of Saint Lawrence, Sullivan,<sup>3</sup> Lewis, Clinton and Oneida, and the counties of the state other than those in the forest preserve are empowered to acquire and hold such lands. Within twenty days after the time for redemption has expired the county treasurer of each of the counties of Saint Lawrence, Sullivan,<sup>3</sup> Lewis, Clinton and Oneida shall file with the comptroller a certified statement of all tracts or parcels of land situated in the forest preserve which have been bid in by the county and have not been redeemed, and shall sell and convey to the state any tract or parcel of land specified in such statement which the comptroller shall designate within six months after such statement is filed, upon the payment of the taxes, interest and expenses due thereon

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<sup>3</sup> Inclusion of Sullivan county new.

at the time of the sale, and also all taxes assessed thereon since such sale, and the comptroller shall draw his warrant on the state treasurer for the amount thereof or credit the county with such amount on the books of his office. After the expiration of such six months, in the counties of Saint Lawrence, Sullivan,<sup>8</sup> Lewis, Clinton and Oneida, and after the time for redemption has expired in any other county, the county treasurer is authorized in the name of the board of supervisors of the county to sell and convey under his hand and seal such lands as have not been conveyed to the state in the manner and upon such terms as the board of supervisors of the county may direct.

§ 2. This act shall take effect immediately.

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## Chap. 378.

AN ACT to amend the village law, in relation to notice of completion of annual assessment roll.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 64,  
§ 108  
amended.

Section 1. Section one hundred and eight<sup>1</sup> of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows:

§ 108. Notice of completion of annual assessment-roll. After<sup>2</sup> completing and filing the annual assessment-roll, and on or before the third<sup>3</sup> Tuesday of June in villages of the first or second class, and on or before the third<sup>3</sup> Tuesday in May in villages of the third or fourth class, the assessors shall cause notice thereof to be published at least once in the official paper, if any, and copies of such notice posted in not less than five public places in the village, specifying the date of filing, and that the same will remain on file with the clerk, subject to public inspection, for fifteen days after the date of such notice.

§ 2. This act shall take effect immediately.

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<sup>1</sup> As amended by L. 1909, ch. 472.

<sup>2</sup> Word "After" substituted for word "Upon."

<sup>3</sup> Formerly "second."

## Chap. 379.

AN ACT to amend the county law, in relation to tuberculosis hospitals.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision two of section forty-five<sup>1</sup> of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," as added by chapter three hundred and forty-one of the laws of nineteen hundred and nine, is hereby amended to read as follows:<sup>2</sup>

L. 1909, ch. 16, § 45, subd. 2, as added by L. 1909, ch. 341, amended.

2. To erect all necessary buildings and alter any buildings, on the property when acquired for the use of said hospital, provided that the plans for such erection or alteration shall first be approved by the state commissioner of health.

Powers of supervisors as to buildings.

§ 2. Section forty-seven of such chapter as added by chapter three hundred and forty-one of the laws of nineteen hundred and nine, is hereby amended by adding thereto a new subdivision to be subdivision eight, to read as follows:

Subd. 8 added to § 47, as added by L. 1909, ch. 341.

8. Shall notwithstanding any other general or special law erect all additional buildings found necessary after the hospital has been placed in operation and make all necessary improvements and repairs within the limits of the appropriations made therefor by the board of supervisors, provided that the plans for such additional buildings, improvements or repairs shall first be approved by the state commissioner of health.

Powers of managers as to additional buildings and improvements.

§ 3. Subdivision five of section forty-eight of such chapter, as added by chapter three hundred and forty-one of the laws of nineteen hundred and nine and amended by chapters one hundred and forty-nine and two hundred and thirty-nine of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 48, subd. 5, as added by L. 1909, ch. 341, and amended by L. 1912, chaps. 149, 239, amended.

5. Shall receive into the hospital<sup>3</sup> in the order of application, any person found to be suffering from tuberculosis in any form who is entitled to admission thereto under the provisions of this

Duties of superintendent as to admission of patients.

<sup>1</sup>Section 45 was amended by L. 1913, ch. 166, ante. Subd. 2 was not affected by the amendments made by said ch. 166.

<sup>2</sup>Subd. 2 materially amended.

<sup>3</sup>Words "under the general direction of the board of managers," omitted.



chapter; and shall also receive persons from other counties as hereinafter provided. Said superintendent shall cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation and place of last employment.

§ 49a, as added by L. 1909, ch. 341, and amended by L. 1912, chaps. 149, 239, amended.

§ 4. Section forty-nine-a of such chapter, as added by chapter three hundred and forty-one of the laws of nineteen hundred and nine and amended by chapters one hundred and forty-nine and two hundred and thirty-nine of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 49-a. **Maintenance of patients in the county in which hospital is situated.** Wherever a patient has been admitted to said hospital from the county in which the hospital is situated, the superintendent shall cause such inquiry to be made as he may deem necessary, as to his circumstances, and of the relatives of such patient legally liable for his support. If he find that such patient, or said relatives are able to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives to pay to the treasurer of such hospital for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. The superintendent shall have the same power and authority to collect such sum from the estate of the patient, or his relatives legally liable for his support, as is possessed by an overseer of the poor in like circumstances. If the superintendent find that such patient, or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the county. When any indigent patient shall have been admitted to any such hospital as a resident of the county in which the hospital is located, and it shall be found that such patient has not acquired a settlement within such county under the provisions of the poor law, the superintendent of such hospital shall collect from the county<sup>4</sup> in which such patient has a settlement the cost of his maintenance in such hospital, or may in his discretion return such patient to the locality in which he has a settlement.

§ 49e, as added by L. 1909, ch. 341, amended.

§ 5. Section forty-nine-e of such chapter as added by chapter three hundred and forty-one of the laws of nineteen \* and nine, is hereby amended to read as follows:

\* So in original.

<sup>4</sup> Words "city or town" omitted.



§ 49-e. **Hospitals at almshouses.** Wherever a hospital for the care and treatment of persons suffering from tuberculosis exists in connection with, or on the grounds of a county almshouse, the board of supervisors may, after sections forty-five to forty-nine of this chapter take effect, appoint a board of managers for such hospital and such hospital, and its board of managers, shall thereafter be subject to all the provisions of this act, in like manner as if it had been originally established hereunder. Any hospital for the care and treatment of tuberculosis<sup>5</sup> which may hereafter be established by any board of supervisors shall<sup>6</sup> be subject to all the provisions of said sections. <sup>7</sup>No hospital authorized under the provisions of this chapter shall hereafter be located on the grounds of an almshouse.

§ 6. This act shall take effect immediately.

## Chap. 380.

AN ACT to provide for the removal and reinterment of bodies in a cemetery in the town of Bolton in Warren county.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subject to the provisions of this act, the town board of the town of Bolton, in Warren county, may, by resolution, determine that the cemetery in said town, known as the Edmund cemetery, in which no interments have been made in many years, shall be no longer used for cemetery purposes; provided, however, that if the board makes said determination, it shall provide for the removal of all bodies in such cemetery and for their reinterment in another cemetery in the town in a lot or plot acquired for that purpose. The expense of acquiring such lot or plot and of carrying out the other provisions of this act shall be a town charge. The board shall also cause all monuments, stones, slabs and markers designating the persons and places of burial of the bodies now in such cemetery to be reset in the lot or plot

Abandonment for cemetery purposes.

Removal and reinterment of bodies.

Expense.

Resetting of monuments, etc.

<sup>5</sup> Words "for the care and treatment of tuberculosis," new.

<sup>6</sup> Words "in like manner" omitted.

<sup>7</sup> Following sentence new.

Cemetery  
to revert  
to town.

to be acquired as above provided in such manner as to identify the respective remains. Upon the removal of such bodies in accordance with the provisions of this act, the said Edmunds cemetery shall revert in the manner provided in the deed of dedication thereof to the town.

§ 2. This act shall take effect immediately.

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## Chap. 381.

AN ACT to permit the board of trustees of the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook to grant for public school purposes in perpetuity one acre of land.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The board of trustees of the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis at Ray Brook, Essex county, New York, may by resolution devote and grant for public school purposes in perpetuity one acre of land for the school district number five in the town of North Elba, Essex county, New York, from any lands they may now hold.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 382.

AN ACT to authorize the town of Eastchester in the county of Westchester, to expend a sum not exceeding five thousand dollars, for the purchase of a motor hook and ladder truck for said town, in accordance with the vote of the electors at a special meeting held in said town on the fifth day of November, nineteen hundred and twelve, and to authorize said town to issue its bonds to raise funds to meet said expenditure, and to provide for the payment of the principal and interest of said bonds.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The town board of the town of Eastchester, county of Westchester, is hereby authorized to expend a sum not exceeding five thousand dollars for the purchase of a motor hook and ladder truck in accordance with a vote of the electors at a special meeting held in said town on the fifth day of November, nineteen hundred and twelve, and to issue the bonds of said town for the purpose of raising funds to meet said expenditure.

Expendi-  
ture and  
bond issue  
authorized.

§ 2. Said bonds shall be dated as of the first day of March, nineteen hundred and thirteen, and be payable within fifteen years from the date thereof, with interest at a rate not to exceed five per centum per annum, payable semi-annually, shall be signed by the supervisor and attested by the town clerk under the corporate seal of said town, and the said supervisor is hereby authorized to sell the same at a price not less than par.

Bonds,  
date,  
maturity,  
etc.

§ 3. The proper officers and agents of said town shall cause to be raised annually by tax in the manner required by law, a sum sufficient to pay the interest and principal of said bonds as the same shall become due and payable.

Tax for  
payment.

§ 4. This act shall take effect immediately.

## Chap. 383.

AN ACT to amend chapter three hundred and twenty-four of the laws of nineteen hundred, entitled "An act to make the office of sheriff of Saint Lawrence county a salaried office, in part, and to regulate the management thereof," generally.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1900,  
ch. 324,  
§§ 8, 11  
amended.

Section 1. Sections eight and eleven of chapter three hundred and twenty-four of the laws of nineteen hundred, entitled "An act to make the office of sheriff of Saint Lawrence county a salaried office, in part, and to regulate the management thereof," are hereby amended to read, respectively, as follows:

Purchasing  
committee.

Supplies for  
jail, etc.

Itemized  
account.

Vouchers.

Monthly  
statement

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members which shall designate one as chairman, which committee shall be known as the purchasing committee of said county, and it shall be the duty of the sheriff of said county, subject to the supervision, control, approval and direction of such purchasing committee, to purchase and provide all furniture, implements, material, food and supplies of whatever nature necessary for the custody, care and maintenance of the sheriff and his family, jailer, turnkey, matron and cook and of the prisoners and persons detained within said jail, and for the maintenance and operation of said jail and appurtenances,<sup>1</sup> and the cost of the same and any actual and necessary expenses of the sheriff in providing the same, shall be a county charge and be paid by the county, as follows: The sheriff shall keep a correct and itemized account of such cost and expenses in a book or books provided for that purpose, at the expense of said county. Each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and for what, and the purposes for which it was paid. The said sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. At the end of each

<sup>1</sup> Words "and for the maintenance and operation of said jail and appurtenances," new.

calendar month or within five days thereafter, the sheriff shall present to the chairman of such purchasing committee, a written, verified statement in detail of all the items so expended for such month; and the said chairman shall forthwith examine such statement, and within five days after having examined the same, attach his certificate thereto, certifying what amount he finds correct, and authorized by such committee, and thereupon such chairman shall return to the sheriff said statement with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Saint Lawrence county, who shall forthwith pay to said sheriff the amount certified by said chairman to be correct and allowed. The verification of such statement shall be by the affidavit of the sheriff, that said statement is in all respects full and true, and shall be positive, and not on information and belief. In case any portion of said account of said sheriff is not certified by said chairman to be correct, the same may be presented by said sheriff to the board of supervisors of said county for audit, and the amount thereof shall be paid as other county charges.

of expenditure.

Examination of statement.

Payment.

Verification of statement.

Payment of portions not certified.

§ 11. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties required by this act, for which the county receives or is entitled to receive, the fees therefor under this act,<sup>2</sup> which said disbursements shall be audited and allowed by the purchasing committee and paid monthly by the county.

Allowance of disbursements.

§ 2. This act shall take effect immediately.

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<sup>2</sup> In the original bill, as introduced, the words "for which the county receives or is entitled to receive, the fees therefor under this act," were omitted. However, before final passage, these words were restored and § 11 was left unamended, and so appears here.

## Chap. 384.

AN ACT to amend the county law, in relation to the duties of county auditors.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 16,  
§ 216, as  
added by  
L. 1910,  
ch. 152,  
amended.

Section 1. Section two hundred and sixteen of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," as added by chapter one hundred and fifty-two of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 216. **Duties.** The county auditor or auditors shall audit all the bills for the expenses of the several county officials for repairs and maintenance of the several county offices and buildings under their respective jurisdictions and the expenses of county officials and all other bills that are properly chargeable to the county, unless their powers shall be limited by the board of supervisors,<sup>1</sup> and when so audited they shall have the same force and effect as if audited by the board of supervisors and shall be paid by the county treasurer upon the certificate of such auditor or auditors in the same manner. <sup>2</sup>But any board of supervisors which has appointed or which may hereafter appoint a county auditor or county auditors, may by resolution limit his or their power of audit to certain accounts or classes of accounts against the county, in which case such auditor or auditors shall have power to audit such accounts or classes of accounts only. The board of supervisors also by resolution or resolutions, duly adopted, shall prescribe the form and manner of presentation of such bills, and the form and manner in which such auditor or auditors shall keep a record of the presentation thereof, and the action of such auditor or auditors thereon. In case of refusal or neglect of such auditor or auditors to audit any bill presented for audit for the full amount claimed the claimant shall be unprejudiced by such refusal or neglect and shall have the right to present the same to the board of supervisors for audit.

§ 2. This act shall take effect immediately.

<sup>1</sup> Words "unless their powers shall be limited by the board of supervisors," new.

<sup>2</sup> Following sentence new.

## Chap. 385.

AN ACT to provide for the transfer of certain tracts of land from the county of Saint Lawrence to the county of Franklin, changing the dividing line between such counties in accordance therewith, and making provision as to certain matters incidental to such transfer and change.

Became a law April 28, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Lots twenty-nine, twenty-eight, fifteen, fourteen and one of township three of the county of Saint Lawrence are hereby transferred to the county of Franklin, and the dividing line between such counties, from the northeast corner of said lot twenty-nine to the dividing line between such counties and the county of Hamilton, is hereby altered in conformity therewith, to be as follows: Beginning on the present dividing line between the counties of Saint Lawrence and Franklin, at the northeast corner of said lot twenty-nine and running thence westerly along the north line of such lot to the northwest corner of such lot; running thence southerly along the west boundary line of lots twenty-nine, twenty-eight, fifteen, fourteen and one, to the dividing line between the county of Saint Lawrence and the county of Hamilton; thence easterly along the dividing line between the two counties last mentioned to the southeast corner of said lot number one, constituting the present southerly terminus of the dividing line between the counties of Saint Lawrence and Franklin, subject to the ensuing provisions of this act. The territory added to the county of Franklin shall be a part of the town of Altamont in such county.

§ 2. Until otherwise apportioned or provided by the legislature, pursuant to the constitution, the territory within the present county of Saint Lawrence transferred by this act to the county of Franklin shall continue to be, for the purpose of electing a member of assembly, a part of the second assembly district of the county of Saint Lawrence. As soon as practicable after this act takes effect, the town board of the town of Altamont in the county of Franklin shall re-establish, in the manner provided in the election law, the election district or districts adjoining such added

Transfer.

Description  
of altered  
dividing  
line.

Part of  
town of  
Altamont.

Assembly  
district not  
affected.

Re-establishment  
of election  
districts.



Separate  
ballot for  
member of  
assembly.

Nominating  
certificates,  
etc., and  
statements  
of election  
inspectors  
as to mem-  
bers of  
assembly.

Expense of  
separate  
ballot.

Taxation.

Apportion-  
ment of  
county  
debts.

territory, so as to include such territory in an election district or districts of such town. Whenever, in any year, it shall appear that there are registered voters residing in such added territory, the board of elections or other board or officer at any time charged by law with the duty of furnishing official ballots in the county of Franklin shall, at each election at which a member of assembly is elected, furnish a separate official ballot to the inspectors of such election district or districts for voting for member of assembly for the county of Saint Lawrence only. Such ballots shall be furnished in twice the number of electors residing in such territory. Nominating certificates and petitions required by the election law to be filed, for member of assembly, with the custodian of primary records of the county of Saint Lawrence shall be made in duplicate and one copy thereof filed with the custodian of primary records of the county of Franklin. The statements of every election by the inspectors of election of the election districts which comprise such added territory shall, so far as they relate to the election of member of assembly of the county of Saint Lawrence, be made to the board of county canvassers of the county of Saint Lawrence and canvassed by such board. The board or officer charged by law with the duty of furnishing official ballots in the county of Franklin shall keep an account of the expense of furnishing ballots for member of assembly for the county of Saint Lawrence and shall present the same annually to the board of supervisors of the county of Saint Lawrence, and the same shall be a charge against such county.

§ 3. The freeholders and inhabitants of such added territory shall hereafter be taxed and assessed in the county of Franklin and shall not be subject to future taxation and assessment by the county of Saint Lawrence, but taxes heretofore assessed in such territory by the county of Saint Lawrence shall be levied, and taxes heretofore levied by such county shall be collected, with the same force and effect as though this act had not taken effect. The county of Franklin shall bear its just proportion of the debts, if any, of the county of Saint Lawrence, based on the assessed valuation of the property in such added territory. Such debt shall be apportioned as follows: A committee of the board of supervisors of each of said counties, appointed for the purpose, shall meet within one year after this act takes effect and apportion such debt. If they fail to agree within eighteen months after this act takes effect as to such apportionment, the supreme court of the judicial district comprising such



counties shall have power to determine such apportionment and to enforce its determination by a suit in equity to be brought by either county within two years after this act takes effect. Nothing contained in this act shall impair the obligation of any contract, and the property and inhabitants of such added territory shall continue liable to existing creditors of the county of Saint Lawrence in like manner as if this act had not been passed, but if any person by reason of being an inhabitant of or owning property in said added territory shall be compelled to pay any part of the existing debt of the county of Saint Lawrence, the amount of such payment shall thereupon become a debt due to him from the county of Franklin and may be regarded in like manner as other claims against such county. After the apportionment of the debt of Saint Lawrence county as herein provided, the amount found to be due annually or at other periods by the county of Franklin shall be paid, annually or at such times as the same may be due, to the county treasurer of the county of Saint Lawrence.

§ 4. The town of Altamont, in the county of Franklin, shall also bear its just proportion of the debts, if any, of the town of Piercefield, in the county of Saint Lawrence. to be adjusted by concurrent action of the town boards of such towns or by the supreme court, in the manner hereinabove provided for the apportionment of county debts; and the provisions of this act relating to county debts, the apportionment, enforcement and payment thereof, and the rights and remedies of individual freeholders in the premises shall apply to such town debts.

Apportion-  
ment of  
town debts

§ 5. Any person residing in such added territory who shall have been elected for a term now unexpired to any office for the county of Saint Lawrence, may exercise jurisdiction and perform the duties of such office in and for such county until the end of the term for which he was elected as if this act had not been passed.

Person  
holding  
unexpired  
office not  
affected.

§ 6. This act shall take effect immediately.

## Chap. 386.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals, in relation to appointment and salaries of clerks."

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1902,  
ch. 580,  
§ 310, as  
amended  
by L. 1907,  
ch. 664,  
and L. 1910,  
ch. 538,  
amended.

Section 1. Section three hundred and ten of chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal court of the city of New York, its officers and marshals," as amended by chapter six hundred and sixty-four of the laws of nineteen hundred and seven, and by chapter five hundred and thirty-eight of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 310. **When appeal may be taken.** An appeal from a judgment rendered in an action, or a final order made in summary proceedings in the municipal court of the city of New York, or from orders as hereinbefore provided, may be taken to the supreme court. Such appeal shall be heard in such manner and by said justice or justices as the appellate division of the supreme court in the judicial department embracing the district wherein the action is brought shall direct, except that the appellate division of the second judicial department may direct that such appeal may be heard directly before that court; provided, however, that if the appellate division in the second department directs such appeal to be heard before three other justices designated by it and to be known as the appellate term in the second department, said appellate division may appoint and remove a chief clerk of such appellate term, and one deputy clerk and one confidential clerk and stenographer<sup>1</sup> and not to exceed three attendants and <sup>2</sup>may in its discretion fix their salaries or compensation, which shall not exceed for the clerk four thousand dollars<sup>3</sup> per annum, for the deputy clerk three thousand five hundred

<sup>1</sup> Words "and one confidential clerk and stenographer," new.

<sup>2</sup> Word "to" omitted. Words "may in its discretion," new.

<sup>3</sup> Formerly "twenty-five hundred dollars."

dollars<sup>4</sup> per annum, for the confidential clerk and stenographer three thousand dollars per annum<sup>5</sup> and for the attendants the salaries now allowed by law to attendants in the supreme court in Kings county. The board of estimate and apportionment is authorized and empowered to provide the means to pay such salaries and compensation, and all other expenses of such appellate term, for the year nineteen hundred and seven, and for each year thereafter. The appellate court may reverse, affirm or modify the judgment, order or final order appealed from, and where the judgment, order or final order is reversed, may order a new trial, in the municipal court in the district in which the action is brought. Where a judgment, order or final order is modified or a new trial is ordered, costs shall be in the discretion of the appellate court. An appeal taken from a judgment or final order brings up for review an intermediate order which is specified in the notice of appeal and necessarily affects the judgment or final order and has not already been reviewed upon a separate appeal therefrom. The right to review such intermediate order, as prescribed in this section, is not affected by the expiration of the time within which a separate appeal therefrom might have been taken.

§ 2. This act shall take effect immediately.

## Chap. 387.

AN ACT to amend the judiciary law, relative to the salary of typewriter operators in first and second departments of appellate division.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and eight of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 85,  
§ 308  
amended.

<sup>4</sup> Formerly "eighteen hundred dollars."

<sup>5</sup> Words "for the confidential clerk and stenographer three thousand dollars per annum," new.

§ 308. **Salary of typewriter operators in first and second departments of appellate division.** The salary or compensation to be paid to each of the typewriter operators appointed pursuant to section one hundred and ten of this chapter by the justices of the appellate division of the supreme court in the first and second judicial departments shall be fixed by said justices of the appellate division, in their discretion,<sup>1</sup> not to exceed two thousand four hundred dollars<sup>2</sup> per annum. In the first department such salary or compensation shall be paid by the city of New York. The comptroller of the state shall cause the salary or compensation to be paid to each of such typewriter operators in the second judicial department in equal quarterly installments, and shall annually apportion the amount thereof among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment-roll thereof. The amount so apportioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state.

§ 2. This act shall take effect immediately.

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## Chap. 388.

AN ACT to authorize the Hudson River Connecting Railroad Corporation to construct its bridge across the Hudson river, and to fix the time of commencement and completion of the same.

Became a law April 28, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Construc-  
tion of  
bridge au-  
thorized.

Section 1. The Hudson River Connecting Railroad Corporation, a domestic corporation, is hereby authorized to construct upon the line of its railroad, a bridge, for railroad purposes only, across the Hudson river between Castleton and Schodack Landing, together with the necessary viaducts and approaches, and maintain and operate the same.

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<sup>1</sup> Words "in their discretion" new.

<sup>2</sup> Formerly "one thousand five hundred dollars."

§ 2. The said bridge shall have a clearance of not less than one hundred and thirty-five feet above the mean level of the Hudson river, and between upper Schodack island and Shad island the spans of the said bridge shall be not less than three hundred feet in length in the clear from pier to pier. The plans for said bridge shall be subject to the approval of the secretary of war.

Clearance;  
length of  
spans;  
approval  
of plans.

§ 3. The time of the commencement of the construction of the said bridge shall be on or before the first day of May, in the year nineteen hundred and fourteen, and the said bridge shall be completed within five years from the said date.

Time of  
commence-  
ment and  
completion.

§ 4. This act shall take effect immediately.

## Chap. 389.

AN ACT to amend the highway law, relative to claims for damages resulting from defective highways.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventy-four of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 30,  
§ 74  
amended.

§ 74. Liability of town for defective highways. Every town shall be liable for all damages to persons or property sustained by reason of any defect in its highways or bridges, existing because of the neglect of any town superintendent of such town. No action shall be maintained against any town to recover such damages, unless a verified statement of the cause of action, including the time and place at which such injury is alleged to have been received,<sup>1</sup> shall have been filed with the town clerk<sup>2</sup> of the town within six months after the cause of action accrued. And no such action shall be commenced until fifteen days after the service of such statement.

§ 2. This act shall take effect immediately.

<sup>1</sup> Words "including the time and place at which such injury is alleged to have been received," new.

<sup>2</sup> Words "filed with the town clerk," substituted for words "presented to the supervisor."

## Chap. 390.

AN ACT to amend the public health law, in relation to the registration of nurses.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 49,  
§ 252  
amended.

Section 1. Section two hundred and fifty-two of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended to read as follows:

§ 252. **Waiver of examination.** The regents of the university of the state of New York may upon the recommendation of said board of examiners, or upon evidence satisfactory to said regents,<sup>1</sup> waive the examination of any persons possessing the qualifications mentioned in section two hundred and fifty, who shall have been graduated before, or who were in training on the twenty-fourth day of April, nineteen hundred and three, and shall thereafter be graduated,<sup>2</sup> and of such persons now engaged in the practice of nursing and who have had six years' experience in the practice of nursing in a general hospital prior to nineteen hundred and three, who make application in writing for such certificate prior to July first, nineteen hundred and thirteen.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Words "or upon evidence satisfactory to said regents," new.

<sup>2</sup> Remainder of section new.

## Chap. 391.

AN ACT to amend chapter two hundred and thirty-nine of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to Grosvenor library of the city of Buffalo," as amended by chapter one hundred and sixty of the laws of eighteen hundred and sixty-one and chapter three hundred and thirty-three of the laws of nineteen hundred and eight, in relation to the powers of the trustees of said library.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two of chapter two hundred and thirty-nine of the laws of eighteen hundred and fifty-nine, entitled "An act in relation to Grosvenor library of the city of Buffalo," as amended by chapter one hundred and sixty of the laws of eighteen hundred and sixty-one and chapter three hundred and thirty-three of the laws of nineteen hundred and eight, is hereby amended so as to read as follows:

L. 1859,  
ch. 239,  
§ 2, as  
amended by  
L. 1861,  
ch. 160,  
and L. 1908,  
ch. 333,  
amended.

§ 2. The said library shall be known as the Grosvenor library and the affairs of said library shall be managed by three trustees to be appointed by the common council of said city, upon the nomination of the mayor thereof; they shall hold their office for the term of five years, and until their successors are appointed, and shall not receive any compensation; they shall take the charge and possession of the money mentioned in the first section, and of all other funds of said library, and shall carry out and execute the intention of the said testator; they shall not furnish any of the books belonging to said library to be used out of the library building or said library; they may make all proper rules and regulations for the management of the said library, and the protection of its property, and impose reasonable penalties for the violation thereof. No instrument, receipt, discharge or other act shall be valid unless done by all of the trustees then in office or under an authority, in writing, signed by all of them. They may transact the affairs and business of the said library, take and hold real estate necessary for the use of said library, not to exceed

Name of  
library.  
Trustees,  
appoint-  
ment, etc.

Duties.

Powers.

in value three hundred thousand dollars,<sup>1</sup> or which may be given to said library, take bonds and mortgages and obligations and other securities, not to exceed three hundred thousand dollars,<sup>1</sup> and may sell, dispose of and give acquittances, releases and discharges thereof, and invest and reinvest the proceeds thereof; and with the consent of the supreme court or the county court, obtained in the manner provided by title two<sup>2</sup> of chapter twenty-three of the code of civil procedure, said trustees may sell and convey any real estate which they may determine to be not necessary for the use of the said library, and may maintain actions in the name of "the trustees of the Grosvenor library."

§ 2. This act shall take effect immediately.

## Chap. 392.

AN ACT to amend the town law, in relation to fire protection.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended by inserting therein a new section to be section three hundred and fourteen-b, to read as follows:

§ 314-b. **Incorporated fire companies.** Upon the written petition of a majority of the resident taxpayers of any water district, highway district or water supply district in which any incorporated fire company shall have its headquarters, the town board of any town may make a contract with any such incorporated fire company for fire protection to be furnished within such water district, highway district or water supply district for a sum not to exceed in any one year ten cents upon each one hundred dollars of assessed valuation of taxable property lying within such water district, highway district or water supply district, as appears by the last preceding town assessment-roll of said town, and for a period

§ 314b  
added to  
L. 1909,  
ch. 63.

<sup>1</sup> Formerly "two hundred thousand dollars."

<sup>2</sup> Repealed by L. 1909, chaps. 28, 34. Superseded by consolidated general corporation law (L. 1909, ch. 28), §§ 70-76, and consolidated joint-stock association law (L. 1909, ch. 34), § 8.



not exceeding five years at any one time. The amount of any contract that may be entered into pursuant to the provisions of this section shall be assessed, levied and collected upon the taxable property in said district in the same manner, at the same time and by the same officers as the taxes, charges or expenses of said town are now assessed, levied and collected and the same shall be paid over by the supervisor to the corporation or incorporated fire company furnishing such fire protection. This section shall apply to a water supply district formed under the provisions of section eighty-one of the transportation corporations law, as well as to water districts, highway districts or water supply districts formed under the provisions of this chapter. No such contract shall be made, however, with any such fire corporation unless it has, in the opinion of the town board, suitable apparatus and appliances for the furnishing of such fire protection in said district.

§ 2. This act shall take effect immediately.

## Chap. 393.

AN ACT to amend the insurance law, in relation to transportation of explosives.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and sixty-four of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven and amended by chapter four hundred and fifty-three of the laws of nineteen hundred and twelve,<sup>1</sup> is hereby amended to read as follows:

L. 1909,  
ch. 33,  
§ 364,  
as added  
by L. 1912,  
ch. 453,  
amended.

§ 364. **Transportation.** Every vehicle while carrying explosives shall display upon an erect pole on the front end of such vehicle and at such height that it shall be visible from all directions a red flag with the word "danger" printed, stamped or sewed thereon in white letters. Such flag shall be at least eighteen

<sup>1</sup> Section 364 was added by L. 1912, ch. 453.

inches by thirty inches in size, and the letters thereon shall be at least twelve inches in height.

(a) It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in or upon such vehicle, to drive the vehicle while intoxicated, to drive the vehicle or to conduct himself in a careless or reckless manner or to load or unload such vehicle in a careless or reckless manner or while smoking or intoxicated.

(b) It shall be unlawful for any person to place or carry, or cause to be placed or carried in or upon any vehicle containing explosives any metal tool or other piece of metal.

(c) It shall be unlawful for any person to place or carry in or upon a vehicle containing explosives any exploders, detonators, blasting caps or other explosive material, or to carry in or upon any such vehicle any matches or any mechanical device for producing spark, flame or heat.

Nothing contained in this article shall apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the interstate commerce commission, nor to the transportation or use of blasting explosives<sup>2</sup> in quantities not exceeding five pounds at any one time.

§ 2. This act shall take effect immediately.

## Chap. 394.

AN ACT to amend the county law, in relation to expenses in conducting courts of record.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 16,  
§ 42  
amended.

Section 1. Section forty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:

§ 42. Supervisors to furnish funds for necessities for courts of record.<sup>1</sup> 1. Except where other provision is made therefor

<sup>2</sup> Words "for agricultural purposes or," omitted.

<sup>1</sup> Section heading formerly read: "Supervisors to furnish necessities for term of county court."

by law, the board of supervisors of each county must provide each court of record, appointed to be held therein, with proper and convenient rooms and furniture, together with attendants, fuel, lights and stationery suitable and sufficient for the transaction of its business.<sup>2</sup> If the supervisors shall neglect so to do, the court may order the sheriff to make the requisite provision; and the expense incurred by him in carrying the order into effect, when certified by the court, is a county charge.

2.<sup>3</sup> Except where other provision is made therefor by law, the expense of providing suitable food and lodging, and other necessary expenses, for a jury in a court of record kept together either during the progress of a trial or after they retire for deliberation, and, except in the case of a salaried interpreter appointed under the provisions of section three hundred and eighty-seven of the judiciary law and except in a county in which the appointment or compensation of court interpreters is governed by a special or local act or by a special provision of a general act, the compensation and expense of procuring an interpreter for the court during a term or part of a term or for special services, may be incurred by direction of the court and accounts therefor audited by the judge or justice presiding, and shall be paid by the county treasurer, out of county funds available therefor, upon an order of the court directing such payment, without the audit or authorization of any other body or officer; and a certified copy of each such order shall be transmitted by the clerk of the court to the county treasurer. It shall be the duty of the board of supervisors to provide annually by taxation, and appropriate and set apart for the courts of record held within the county, sufficient moneys to meet the requirements of this subdivision. If at any time the funds available for such expenses be not provided or be insufficient, the court may order the sheriff to make the requisite provision therefor; and the expense incurred by him in carrying the order into effect, when certified by the court, shall be a county charge.

§ 2. This act shall take effect immediately.

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<sup>2</sup> Words "and, upon an order of the court, for suitable and proper food and lodging and expenses for a jury kept together either during the progress of the trial or after their retirement for deliberation," omitted.

<sup>3</sup> Subd. 2 new.

## Chap. 395.

AN ACT to amend the code of civil procedure, in relation to the effect of recital of heirship in deeds.

Became a law April 29, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 841b  
added.

Section 1. The code of civil procedure is hereby amended by adding thereto at the end of article one of title one of chapter nine a new section, to be section eight hundred and forty-one-b,<sup>1</sup> to read as follows:

§ 841-b. **Recitals as to heirship in deeds.** Hereafter, in any proceeding, suit or action pending or hereafter brought, in any of the courts of this state, any deed, mortgage, lease, release, power of attorney, or other instrument more than thirty years old, executed for the purpose of transferring the title to or interest in lands, tenements or hereditaments situated within this state, which contains recitals that the grantors, grantees, or either, or both, are the heirs-at-law of a prior owner of the title or interest described in said instrument, shall be presumptive evidence of said heirship as therein recited, if such instrument be duly acknowledged or witnessed and proved in any manner required or permitted at the date of the execution thereof, and be duly recorded in any county where any part of the lands described therein shall be located, or duly recorded in the office of the secretary of state of the state of New York.

In effect  
Sept. 1,  
1913.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

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<sup>1</sup> A different § 841b was added by L. 1913, ch. 228, *ante*.

## Chap. 396.

AN ACT to amend chapter two hundred and sixty-five of the laws of nineteen hundred and five, entitled "An act to make the office of sheriff of Rockland county a salaried office, and to regulate the management of said office," in relation to salaries, allowances and expenses in such office.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections two, four, eight and nine of chapter two hundred and sixty-five of the laws of nineteen hundred and five, entitled "An act to make the office of sheriff of Rockland county a salaried office, and to regulate the management of said office," are hereby amended to read, respectively, as follows:

L. 1905,  
ch. 265,  
§§ 2, 4,  
8, 9  
amended.

§ 2. Such salary shall constitute the whole compensation of said sheriff for all the official services which may be performed by him as sheriff in his attendance upon any and all courts of record held in the county of Rockland and for all services performed by him under this act or for the state of New York of the county of Rockland or chargeable thereto, or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff, including the care and management of the jails and the persons therein confined, and no other compensation, payment or allowance shall be made to him or received by him for his own use for any such services, except the fees specified<sup>1</sup> in section ten and the mileage specified in section eleven of this act.

Salary to  
constitute  
entire  
compen-  
sation.

Exception.

§ 4. The sheriff before entering upon the duties of his office shall execute to the people of this state a bond in the penal sum of ten thousand dollars with three or more sufficient sureties or a bond of a fidelity and surety company authorized by the laws of this state to transact business therein. Such bond shall be conditioned that the said sheriff shall well and faithfully discharge all the duties of his office and all trust imposed upon him by law, or

Under-  
taking of  
sheriff.

Conditions

<sup>1</sup> In the original bill, as introduced, the remainder of the section was made to read: "in sections ten and eleven hereof and the allowance made to him specified in section eight hereof." However, before final passage § 2 was restored to its original form and so appears here.

by virtue of his office, and shall safely keep and pay over to the county treasurer of said county all moneys which shall come into his hands belonging to the county of Rockland. Before the said sheriff shall enter upon the discharge of his duties the said bond shall be approved as to its form and the sufficiency of said sureties by the county clerk of said county, and shall thereupon be filed in the office of the clerk of said county, and the said county clerk shall at the time of his approval thereof examine each individual surety thereto under oath and shall not approve of such undertaking unless it shall appear on such examination that such individual sureties are jointly worth at least the penalty mentioned in said bond over and above all their debts, which examination subscribed by the sureties shall be endorsed on or attached to the said bond; and if any such sheriff shall neglect for thirty<sup>2</sup> days after the commencement of his term of office to execute and file the bond herein required to be executed by him, his office shall thereupon become vacant. Said sheriff shall be responsible for the official acts of the under sheriff, jailors, deputies and other assistants appointed by him and may require and take a bond from each of them in a good and sufficient amount, conditioned for the faithful performance of their respective duties, which shall be approved by him as to its form and sufficiency.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members, who shall designate one of its members as chairman, which committee shall be known as the auditing committee of said county. It shall be the duty of said sheriff of said county, subject to supervision, control, approval and direction of such auditing committee to purchase and provide all furniture, implements, materials, food and supplies of whatever nature necessary for the custody, care and maintenance of the jailors and cooks and of the prisoners and persons detained within said jails and the cost of the same and any necessary and actual expense of the sheriff in providing the same shall be a county charge and be paid by the county treasurer when the same shall be certified by the said sheriff and audited by the said auditing committee and payment thereof directed. The said sheriff shall keep a correct and itemized account of such cost and expense in a book or books provided for that purpose at the expense of the county. Each item of the account shall specify the date at which it was incurred, to whom paid and the purpose for which

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<sup>2</sup> Formerly "five."

it was paid. The said sheriff shall also obtain a voucher for each item or items incurred by him and if any such item or the aggregate of such items exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness by the affidavit of the person, firm or corporation furnishing the same. The said auditing committee shall meet upon the first Monday in January, April, July and October in each year and all bills contracted by said sheriff previous to each meeting shall then be submitted to said committee and if approved by it shall be audited and allowed and payment by the county treasurer of the same directed.

Vouchers.  
Audit and  
payment.

§ 9. The said sheriff shall appoint an under sheriff, whose salary shall be five hundred dollars per annum, payable quarterly, in the same manner as the sheriff's salary, and the said sheriff may appoint deputy sheriffs, not exceeding eighteen,<sup>3</sup> who shall hold their office during the pleasure of the sheriff but who shall receive no fees or compensation for any services rendered in any criminal action, matter or proceeding and said sheriff shall be responsible for all the official acts of each and every of said deputy sheriffs.

Under  
sheriff.

Deputy  
sheriffs.

§ 2. This act shall take effect immediately.

## Chap. 397.

AN ACT to amend the religious corporations law, in relation to the number of trustees of Baptist churches.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections one hundred and thirty-one and one hundred and thirty-six of chapter fifty-three of the laws of nineteen hundred and nine, entitled "An act in relation to religious corporations, constituting chapter fifty-one of the consolidated laws," are hereby amended to read, respectively, as follows:

L. 1909,  
ch. 53,  
§§ 131, 136  
amended.

§ 131. The meeting for incorporation. At the meeting for incorporation, held in pursuance of such notice, the qualified voters, until otherwise decided as hereinafter provided, shall be all persons of full age, who are then members, in good and

<sup>3</sup> Formerly "twelve."



regular standing of such church, by admission into full communion or membership therewith. At such meeting the presence of a majority of such qualified voters, at least six in number, shall be necessary to constitute a quorum, and all matters or questions shall be decided by a majority of the qualified voters voting thereon. There shall be elected at said meeting from the qualified voters then present, a presiding officer, a clerk to keep the record of the proceedings of the meeting and two inspectors of election to receive the ballots cast. The presiding officer and the inspectors shall declare the result of the ballots cast on any matter, and shall be the judges of the qualifications of voters. If the meeting shall decide that such unincorporated church shall become incorporated, the meeting shall also decide upon the name of the proposed corporation, the number of the trustees thereof, which shall be three, six, nine or twelve,<sup>1</sup> and the date, not more than fifteen months thereafter, on which the first annual election of the trustees thereof shall be held, and shall decide also whether those who, from the time of the formation of such church or during the year preceding the meeting for incorporation, have statedly worshipped with such church and have regularly contributed to the financial support thereof, shall be qualified voters at such meeting for incorporation, and whether those who during the year preceding the subsequent corporate meetings of the church shall have statedly worshipped with such church and shall have regularly contributed to the financial support thereof, shall be qualified voters at such corporate meetings. Such meeting shall thereupon elect by ballot from the persons qualified to vote thereat one-third of the number of trustees so decided on, who shall hold office until the first annual election of trustees thereafter, and one-third of such number of trustees who shall hold office until the second annual election of trustees thereafter, and one-third of such number of trustees who shall hold office until the third annual election of trustees thereafter, or until the respective successors of such trustees shall be elected.

§ 136. Changing number of trustees. An incorporated Baptist church may, at an annual corporate meeting, change the number of its trustees to three, six, nine or twelve,<sup>1</sup> or classify them so that the terms of one-third expire each year, provided that notice of such intended change or classification be included

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<sup>1</sup> "Twelve" new.



in the notice of such annual corporate meeting. No such change shall affect the terms of the trustees then in office, and if the change reduces the number of trustees, elections shall not be held to fill vacancies caused by the expiration of the terms of trustees until the number of trustees equals the number to which the trustees were reduced. Whenever the number of trustees in office is less than the number so determined on, sufficient additional trustees shall be elected to make the number of trustees equal to the number so determined on. The trustees so elected up to and including one-third of the number so determined on, shall be elected for three years, the remainder up to and including one-third of the number so determined on for two years, and the remainder for one year.

§ 2. This act shall take effect immediately.

## Chap. 398.

AN ACT to amend the penal law, in relation to guard posts.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section nineteen hundred and eighty-eight of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 88,  
§ 1988  
amended.

§ 1988. **Guard posts; automatic couplers.** All corporations and persons other than employees, operating any steam railroad in this state:

1. Failing to cause guard posts to be placed in prolongation of the line of bridge trusses upon such railroad, so that in case of derailment, the posts and not the trusses shall receive the blow of the derailed locomotive or car, or in lieu thereof failing to cause guard rails to be placed within the running rails of its track, or such other safeguard as the public service commission shall order, for the same purpose;<sup>1</sup> or

<sup>1</sup> Words "or in lieu thereof . . . same purpose," new.

2. Failing to equip all of their own freight cars, run and used in freight or other trains on such railroad, with automatic self-couplers, or running or operating on such railroad any freight car belonging to any such person or corporation, without having the same equipped, except in case of accident or other emergency, with automatic self-couplers, and except within the extended time allowed by the public service commission, in pursuance of law, for equipping such car with such couplers, is guilty of a misdemeanor, punishable by a fine of five hundred dollars for each offense.

In effect  
Sept. 1,  
1912.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

## Chap. 399.

AN ACT to amend the education law, relative to apportionment of school moneys.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 21,  
§ 493,  
subd. 6, as  
amended  
by L. 1910,  
ch. 140,  
and  
L. 1912,  
ch. 276,  
amended.

Section 1. Subdivision six of section four hundred and ninety-three of <sup>1</sup> the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten and chapter two hundred and seventy-six of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

Appor-  
tionment  
for non-  
resident  
pupils in  
academic  
depart-  
ments.

6. To each city and union school district maintaining an academic department, twenty dollars per year for at least thirty-two weeks' instruction or a proportionate amount if for eight weeks or more for each non-resident pupil attending the academic department of such school from districts not maintaining such academic departments and who shall be admitted to such academic department without other expense for tuition than that provided herein. But pupils residing in districts not maintaining a four-year curriculum may be included in this apportionment after having completed the course of study prescribed for the

<sup>1</sup> Words "chapter twenty-one of," omitted.

school in the district in which they reside. In the apportionment to cities and union school<sup>2</sup> districts whose customary charge for non-resident pupils is greater than the sum provided by this subdivision, the commissioner of education may permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils, provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident, and the payment thereof shall have been provided for at a school district meeting held in such district.

Where customary charge is larger than amount apportioned.

§ 2. This act shall take effect immediately.

## Chap. 400.

AN ACT to amend the code of criminal procedure, in relation to recovering on forfeited bail.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section five hundred and ninety-five of the code of criminal procedure, is hereby amended to read as follows:<sup>1</sup>

§ 595 amended

§ 595. Forfeiture of bail; how enforced. If the forfeiture be not discharged, as provided in the last section, the district attorney may, at any time after the adjournment of the court at which the bail was directed to be forfeited, proceed against any surety upon his undertaking. Except in the county of New York, where it shall be in the method now prescribed by special statute, all recognizances given to answer to a charge preferred, or for good behavior, or to appear and testify in all cases cognizable before any court of criminal jurisdiction, on being forfeited as provided by section five hundred and ninety-three of this code, together with a certified copy of the order of the court forfeiting the same, shall be filed by the district attorney in the office of the clerk of the county wherein such order shall have been made, and thereupon the said clerk shall docket the same in

<sup>2</sup> Words "having a population of five thousand or more employing a superintendent of schools," omitted.

<sup>1</sup> Section materially amended.

the book kept by him for docketing of judgments and enter therein a judgment against the surety or sureties in said recognizance named for the amount of the penalty of said recognizance, and the recognizance, and the certified copy of the order forfeiting the recognizance, shall constitute the judgment roll; and such judgment shall be a lien on the real estate of the person or persons entering into such recognizance, from the time of the entry of the judgment as above provided, and an execution may be issued to collect the amount of said recognizance, in the same form and with the same effect as upon a judgment recovered in an action in said county upon a debt in favor of the people of the state of New York against the person or persons entering into such recognizance.

In effect  
Sept. 1,  
1913.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

## Chap. 401.

AN ACT to amend chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the office of the district attorney of the county of Kings providing for the election of district attorney, and the appointment of clerks, stenographers and county detectives for said office," in relation to clerks in such office.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1896,  
ch. 772,  
§ 3, as  
amended  
by L. 1900,  
ch. 126,  
L. 1901,  
ch. 556,  
and L.  
1911,  
ch. 409,  
amended.

Section 1. Section three of chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the office of the district attorney of the county of Kings providing for the election of district attorney and the appointment of clerks, stenographers and county detectives for said office," as amended by chapter one hundred and twenty-six of the laws of nineteen hundred, chapter five hundred and fifty-six of the laws of nineteen hundred and one, and chapter four hundred and nine of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

Clerks,  
messengers  
and door-

§ 3. The said district attorney shall have also the power to appoint one chief clerk, whose compensation shall not exceed five

thousand dollars per annum,<sup>1</sup> and six<sup>2</sup> additional clerks, whose compensation shall not exceed two thousand dollars each per annum, one messenger whose compensation shall not exceed one thousand two hundred dollars per annum, and one doorkeeper, whose compensation shall not exceed one thousand two hundred dollars per annum, said compensation of the said several clerks, messenger and doorkeeper to be fixed and determined by the said district attorney and to be paid monthly by the comptroller of the city of New York.

§ 2. This act shall take effect immediately.

## Chap. 402.

AN ACT to amend the judiciary law, in relation to certain books and papers that may be destroyed.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eighty-seven of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," as amended by chapter two hundred and seventy-five of the laws of nineteen hundred and eleven and chapter two hundred and fifty-two of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 87. Appellate division may direct county clerk or commissioner of jurors to destroy papers or books.<sup>1</sup> The appellate division of the supreme court, in any department, may, upon petition, by order made at any term thereof direct a county clerk or a commissioner of jurors to destroy any papers<sup>2</sup> or books or surplus copies of any papers or books now deposited, filed, or of record, or hereafter to be deposited, filed, or of record, in his

L. 1909,  
ch. 35,  
§ 87, as  
amended  
by L. 1911,  
ch. 275, and  
L. 1912,  
ch. 252,  
amended.

<sup>1</sup> Words "one bail bond clerk, whose compensation shall not exceed two thousand five hundred dollars per annum," omitted.

<sup>2</sup> Formerly "five."

<sup>1</sup> Words "or books" new.

<sup>2</sup> Remainder of sentence formerly read: "now deposited or filed, or hereafter to be deposited or filed in his office, which the court deems to have become useless."

office, which the court deems to have become useless. Provided, however, that in those counties where commissioners of records have been appointed, a copy of said petition, if for the destruction of any papers or books, or surplus copies of any papers, books or<sup>3</sup> records in the office of a county clerk, shall be served upon the commissioner of records at least five days before application is made to said court. But this provision does not authorize the destruction of a judgment-roll, or a paper incorporated or necessary to be incorporated in a judgment-roll.

§ 2. This act shall take effect immediately.

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## Chap. 403.

AN ACT to amend the code of civil procedure, in relation to preference in applications for letters of administration.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 2660  
amended.

Section 1. Section two thousand six hundred and sixty of article four, title three, chapter eighteen of the code of civil procedure as amended by chapter sixty-five of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 2660. Who entitled to letters of administration. Administration in case of intestacy must be granted to the relatives of the deceased entitled to succeed to his personal property, who will accept the same, in the following order:

1. To the surviving husband or wife.
2. To the children.
3. To the father.
4. To the mother.
5. To the brothers.
6. To the sisters.
7. To the grandchildren.
8. To any other next of kin entitled to share in the distribution of the estate.

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<sup>3</sup> Words "any papers or books, or surplus copies of any papers, books or," new.

9. To an executor or administrator of a sole legatee named in a will, whereby the whole estate is devised to such deceased sole legatee.

If a person entitled is a minor, administration must be granted to his guardian, if competent, in preference to creditors or other persons. If no relative, or guardian of a minor relative, will accept the same, the letters must be granted to the creditors of the deceased; the creditor first applying, if otherwise competent, to be entitled to preference. If no creditor applies, the letters must be granted to any other person or persons legally competent. Letters of administration shall also be granted to an executor or administrator of a deceased person named as sole legatee in a will. The public administrator in the city of New York has preference after the next of kin and after an executor or administrator of a sole legatee named in a will whereby the whole estate is devised to such deceased sole legatee over creditors and all other persons. In other counties, the county treasurer shall have preference next after creditors over all other persons,<sup>1</sup> except that where the surrogate is unable to ascertain to his satisfaction whether the decedent left surviving him any person or persons entitled to succeed to his estate, or where it shall appear to the surrogate that the deceased left no known heirs-at-law or next of kin, then the public administrator or county treasurer shall have preference over creditors. If several persons of the same degree of kindred to the intestate are entitled to administration, they must be preferred in the following order: First, men to women; second, relatives of the whole blood to those of the half blood; third, unmarried women to married. If there are several persons equally entitled to administration, the surrogate may grant letters to one or more of such persons, and administration may be granted to one or more competent persons, although not entitled to the same, with the consent of the person entitled to be joined with such person or persons; which consent must be in writing, and filed in the office of the surrogate. If, in an action, brought or about to be brought, the intestate, if living, would be a proper party thereto, any party to such action, interested in the subject thereof, may apply to the surrogate's court for the granting of letters of administration to himself, or some other qualified person, and upon the jurisdictional facts being satisfactorily shown, and no relative,

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<sup>1</sup> Remainder of sentence new.



or guardian or a minor relative, and no creditor, county treasurer or public administrator consenting to such administration, some legally competent person must be appointed administrator.

§ 2. This act shall take effect immediately.

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## Chap. 404.

AN ACT to confer jurisdiction upon the board of claims to hear, try and determine the claim of Emma L. Hood for damages sustained by the appropriation of her lands and subsequent damage on account of the removal of the buildings therefrom by virtue of a contract entered into by the state of New York.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Jurisdic-  
tion given.

Basis of  
claim.

Section 1. The board of claims is hereby given jurisdiction to hear, try and determine the claim of Emma L. Hood, in the town of Ridgeway, Orleans county, New York, for damages on account of the following facts, as claimed by said Emma L. Hood, to wit: That on May fifth, nineteen hundred and eight, the state of New York appropriated a parcel of land, the property of said Emma L. Hood, on which was situated a building, used as a store, whereupon said Emma L. Hood filed her claim for damages against the state of New York in the court of claims, which court awarded her the sum of two thousand five hundred dollars damages, on June first, nineteen hundred and nine, and thereafter, on account of the original plans on barge canal contract nine having provided for a fixed bridge at Knowlesville, Orleans county, said plans were changed to require a lift bridge, and thereupon the state agreed to return to said Emma L. Hood the property which it had originally taken by said appropriation, and thereupon the state having entered into a contract with the Thomas Crimmins Company to complete the work on said contract number nine and in said contract having conveyed to said contractor the said building or store situate on the real estate appropriated, the court of appeals of the state of New York thereafter decided that said buildings became the property of the Thomas Crimmins Company and said buildings were removed



from said land, and by reason of the fact that in the change of the plans from a high bridge to a lift bridge, and in pursuance thereto, the state of New York reconveyed said lands appropriated to said Emma L. Hood, and by reason of such alleged facts said Emma L. Hood retains the title to her lands but has lost the buildings thereon and has received no compensation therefor and has been unable to enforce said judgment of the court of claims, made on June first, nineteen hundred and nine.

§ 2. Said board of claims is hereby authorized and directed to take proof of the circumstances and make a determination in favor of said Emma L. Hood for such damages as they may deem just on account of the circumstances set forth in the first section hereof, provided a claim therefor be filed with such board within six months after this act takes effect. Such determination shall have the like force and effect of any other determination of the board of claims and may be enforced by the claimant and shall be paid by the state treasurer on the warrant of the comptroller in the same manner as all determinations of the board of claims are provided by law to be paid; but such claim shall not be allowed unless sustained by such legal evidence as would establish a liability against an individual or corporation in a court of law or equity.

Determina-  
tion in  
favor of  
claimant,  
directed.

Effect of  
determina-  
tion.

Evidence.

§ 3. This act shall take effect immediately.

## Chap. 405.

AN ACT to amend the insurance law, in relation to inspections of premises by assistants to the state fire marshal.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and sixty-nine of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as inserted by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven, and amended by chapter four hundred and fifty-three of the laws

L. 1909,  
ch. 33,  
§ 369, as  
added by  
L. 1913,  
ch. 453,  
amended.

of nineteen hundred and twelve,<sup>1</sup> is hereby amended to read as follows:<sup>2</sup>

§ 369. Powers of the state fire marshal, deputies and assistants. The state fire marshal or his deputies may, in addition to the investigation made by any of his assistants at any time investigate as to the origin or circumstances of any fire or explosion occurring in this state. The state fire marshal, his deputies and assistants shall have the power to summon witnesses and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as witness before them; such examination may be public or private as the officers conducting the investigation may determine.

No person shall be excused from attending before the said fire marshal or any of his deputies or assistants when summoned so to attend, nor, when ordered so to do shall they be excused from testifying or producing any books, papers or documents before such officer upon any investigation, proceeding or inquiry instituted under the provisions of this article, upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have been required to testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding; if, after any such examination of witness, or any investigation, the state fire marshal or any of his deputies or assistants is of the opinion that the facts in relation to a fire or explosion indicate that a crime has been committed, he shall present the testimony taken on such examination, together with any other data in his possession to the district attorney of the proper county, with a request that he institute such criminal proceedings as such testimony or data may warrant.

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<sup>1</sup>Section 369 was added by L. 1912, ch. 453.

<sup>2</sup>Section 369 is again amended by L. 1913, ch. 520, post. The amendments here effected are incorporated in § 369 as amended by said ch. 520.

The state fire marshal or his deputies or any of his assistants may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making an inspection which, under the provisions of this article, he or they may deem necessary to be made.

<sup>1</sup>In the absence of any local ordinance it shall be the duty of the assistants to the state fire marshal specified in section three hundred and fifty-three to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, but not less than twice a year in outlying districts and four times a year in closely built portions, all buildings, premises, and public thoroughfares, except interiors of private dwellings for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fire, or any violations of the provisions or intent of the statute and affecting the fire hazard.

Whenever any such assistant shall find any building or other structure which for want of repairs, or by reason of age or dilapidated condition or for any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever any such assistant shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulations of rubbish or of unnecessary accumulations of waste paper, boxes, shavings or any other highly inflammable materials, especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner, lessee or occupant of such premises or buildings, and in the event of his neglect or refusal, the provisions of section three hundred and fifty-six are hereby made applicable.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section new.

## Chap. 406.

AN ACT to repeal section two of chapter four hundred and ninety-six of the laws of eighteen hundred and eighty-three.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1883,  
ch. 494,  
§ 2  
repealed.

Section 1. Section two of chapter four hundred and ninety-six of the laws of eighteen hundred and eighty-three, entitled "An act to amend section one of chapter seventy-four of the laws of eighteen hundred and eighty-two, entitled 'An act to amend section one of chapter five hundred and fifty-seven of the laws of eighteen hundred and eighty-one,' entitled 'An act to regulate the salary of the county treasurer of Erie county,'" is hereby repealed.

§ 2. This act shall take effect immediately.

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## Chap. 407.

AN ACT to amend chapter eight hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to constitute poor district number one of the county of Orange, in relation to the support of the poor in said district, and ratifying and confirming certain acts of the board of supervisors and other county officers in relation thereto," in relation to the rights and powers of such district.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1911,  
ch. 876,  
§ 2  
amended.

Section 1. Section two of chapter eight hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to constitute poor district number one of the county of Orange, in relation to the support of the poor in said district, and ratifying and confirming certain acts of the board of supervisors and other county officers in relation thereto," is hereby amended to read as follows:

§ 2. All the provisions of the consolidated laws of the state of New York, and of the several acts amendatory thereof and supplemental thereto, in respect to the support of the poor in a county which is not divided into separate<sup>1</sup> poor districts shall apply with equal force and effect to the said poor district number one of the county of Orange; and the same rights and powers, including the right to borrow money upon the credit of said poor district number one of the county of Orange, and to issue its obligations therefor,<sup>2</sup> which are therein<sup>3</sup> severally granted to the board of supervisors and to the other county officers of a county which is not divided into several<sup>4</sup> poor districts,<sup>5</sup> are hereby granted to the board of supervisors and to the other county officers of the county of Orange, in respect to the said poor district number one of the county of Orange.

Applica-  
tion of  
consoli-  
dated laws.

Rights and  
powers of  
supervisors  
and county  
officers.

§ 2. This act shall take effect immediately.

## Chap. 408.

AN ACT to amend the agricultural law, in relation to the regulation of milk gathering stations.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section forty-five of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as amended by chapter six hundred and eight of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 45. Unclean receptacles and places for \*keping milk; notice to violators of provisions. No person, firm, association or cor-

L. 1909,  
ch. 9,  
§ 45, as  
amended  
by L. 1911,  
ch. 608,  
amended.

\* So in original.

<sup>1</sup> Words "is not divided into separate," substituted for words "comprises a single."

<sup>2</sup> Words "including the right to borrow money upon the credit of said poor district number one of the county of Orange, and to issue its obligations therefor," new.

<sup>3</sup> Word "therein" new.

<sup>4</sup> Words "is not divided into several," substituted for words "comprises a single."

<sup>5</sup> Formerly "district."

poration, producing, buying or receiving milk for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk, or other human food, shall keep the same in utensils, cans, vessels, rooms, or buildings that are unclean or have unsanitary surroundings or drainage or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthfulness or disease. The commissioner of agriculture shall notify all persons, firms, associations or corporations, violating this section, to clean said utensils, cans, vessels, rooms or buildings, or to so improve the sanitary conditions that the law will not be violated, and if such notice is complied with in ten days' time, Sundays excepted, then no action shall lie for a violation of this section. Any person having charge of any milk gathering station where milk is<sup>1</sup> received from the dairymen for the purpose of selling the same for consumption or shipping the same to market for consumption as human food before taking such charge or operating or working as such agent or person in charge shall apply to the commissioner of agriculture for a license to so work or operate or have charge, and shall at the time of making such application, file with the commissioner a statement under oath, setting forth the fact that he will not while having charge of or operating any such milk gathering establishment or while employed therein adulterate or suffer or permit the adulteration of any such milk or any product thereof during the term for which he may be licensed. After the applicant shall have complied with the foregoing provisions of this section, the commissioner of agriculture upon being satisfied that the applicant is a person of good moral character and a qualified and proper person to so have charge of or operate any such milk gathering station or establishment shall issue to said applicant a license, which shall qualify him to have charge of any such milk gathering station or establishment for the period of two years from the date of such license; <sup>2</sup>provided, however, that where milk is to be bought from the dairymen at any such milk gathering station by the proprietor, person in charge or any agent of the proprietor of such station, such license shall be only for a period of one year, as provided in sections fifty-five to sixty-four,<sup>3</sup> inclusive, of this article, and the matters required to be set forth in the applica-

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<sup>1</sup> Words "bought or" omitted.

<sup>2</sup> Remainder of sentence new.

<sup>3</sup> Should read "sixty-one." See note p. 857, post.

tion for a license under the provisions of this section shall be set forth in the application provided for in sections fifty-five to sixty-four<sup>3</sup> in addition to the matters therein required. The person regularly doing the work of receiving, caring for and shipping the milk at any station or establishment, or in case more than one person is so employed then the foreman in charge of such works shall be deemed to be a person in charge of such station or establishment within the meaning and purposes of this section. Such license certificate shall be kept at such station or establishment where the license is so employed and shall be open to the inspection of the representatives of the department of agriculture and the public. Any person having charge of any milk gathering station or establishment as aforesaid shall keep a true and correct monthly record of the receipts of milk or other dairy products received at such station or establishment, and also a true and correct monthly record of all sales or shipments of milk, cream or other dairy products shipped or sold from such station or establishment, and shall also keep a true and correct monthly record of the amount of skim milk produced in such station or establishment and of the disposition of said skim milk. Such record shall be preserved at such station or establishment for at least two years after the same shall have been made and such records shall at all times be open to the inspection of the commissioner of agriculture, his assistants or agents. When cream is sold or shipped from any such station or establishment so selling or shipping milk for consumption as aforesaid, each original bottle or package of one quart or less of cream so shipped or sold shall bear a label securely attached to the side of such bottle or package on which shall be conspicuously printed the word "cream" in black letters of at least one-fourth of an inch in length or else the word "cream" shall be blown in the side of such bottle in plain raised letters of at least one-half an inch in length, and the top and side of each and every other original package or can containing cream or original crate or case containing bottles of cream so shipped or sold shall bear a label securely attached on which shall be conspicuously printed the word "cream" in black letters of at least one inch in length and also a plainly written or printed statement on the label stating from whom and what station the same is shipped and the name of the consignee and point of destination and the date on which the cream therein was produced by such separation or skimming.

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<sup>3</sup> Should read "sixty one." See note, p. 857, post.



The shipment of each and every such original package of cream so shipped and not so labeled as herein required shall constitute a separate violation. When cream is so separated or skimmed from milk at any such station or establishment and the supply of milk on hand thereat at the time of the next regular daily shipment of milk therefrom, consisting of the total amount of milk in such shipment, together with that remaining on hand immediately after such shipment, is not thereby decreased or correspondingly less than the total quantity received during any period extending from some point of time before such skimming was done until the time of such shipment, together with the amount of milk on hand at the commencement of such period, and such decrease is not equal in amount to the quantity of milk that must have been used in so separating such cream in addition to the quantity otherwise there used or disposed of during such period, such fact is conclusive that skim milk or other foreign substance was added to such milk supply within such period and shall be presumptive evidence within the meaning of this section that the same was added to each can or vessel of milk in such shipment. When cream or skim milk is found to have been on the premises of any such station or establishment or is sold or shipped therefrom, such cream or skim milk so found or so sold or shipped therefrom shall be presumed to have been produced by separating or skimming at such station or establishment. In any action or proceeding relative to the adulteration of milk by removing cream therefrom or adding skim milk or other foreign substance thereto, it shall be presumed that when cream has been produced by so skimming or separating or butter has been manufactured, there was made at least five quarts of milk in the production of each quart of cream so produced and there was necessarily so produced thereby at least four quarts of skim milk to each quart of cream so produced, and that there was used at least nine quarts of milk in the production of each pound of butter so manufactured. If any such person so duly licensed shall thereafter refuse or neglect to keep and preserve full and complete records as herein required or shall refuse to exhibit such records to the commissioner of agriculture, his assistants or agents or shall violate any of the provisions of this section or any of the provisions of this chapter relative to milk or the products thereof he shall forfeit his license and shall be disqualified for a period of five years from being again licensed by the commissioner of agriculture.

§§ 55-61  
added.

§ 2. Article three of such chapter is hereby amended by adding



thereto, at the end thereof, ten<sup>4</sup> new sections, to be sections fifty-five to sixty-four,<sup>5</sup> inclusive, to read, respectively, as follows:

**§ 55. Licensing of milk gathering stations where milk is bought.** On and after September first, nineteen hundred and thirteen, no person, firm, association or corporation, shall buy milk within the state for the purpose of shipping the same to any city for consumption or for the manufacture thereof into butter, cheese, condensed milk or other human food, unless such business be regularly transacted at an office or station within the state and unless such person, firm, association or corporation be duly licensed as provided in this and the ensuing sections of this article. Every such person, firm, association or corporation before engaging or continuing in the business of buying milk for the purposes aforesaid, shall, annually, on or before August first, file an application with the commissioner of agriculture for a license to transact such business. The application shall state the nature of the business, as hereinabove set forth, the full name of the person or corporation applying for the license, and, if the applicant be a firm or association, the full name of each member of such firm, or association, the city, town or village and street number at which the business is to be conducted, and such other facts as the commissioner of agriculture shall prescribe. The applicant shall further satisfy the commissioner of his or its character, financial responsibility and good faith in seeking to carry on such business. The commissioner shall thereupon issue to such applicant, on payment of ten dollars, a license entitling the applicant to conduct the business of buying milk from dairymen for the purposes aforesaid at an office or station at the place named in the application until the first day of September next following; provided, however, that if the application be presented in the month of July, and if the applicant so elects, such license may be granted to begin on the first day of September next following and run for a term of one year. A license shall not be issued, however, to any applicant if during the year preceding the filing of the application a complaint from any seller of milk shall have been filed with the commissioner against such applicant for any of the grounds specified in section fifty-seven hereof, and such complaint shall have been established as true and just to the

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<sup>4</sup> Should read: "seven."

<sup>5</sup> Should read "sixty-one." The original bill, as introduced, added §§ 55-64. However, before final passage, the bill was so amended that §§ 55-61 only were added.

satisfaction of the commissioner after such complaint shall have been investigated by the commissioner in the manner provided by section fifty-six hereof.

The term "station" or "milk gathering station," as used in this and the ensuing sections of this article, shall include an established office where the business of buying milk as herein provided is carried on, with or without a place or premises in connection therewith for the physical handling of milk.

§ 56. **Power of commissioner to investigate.** The commissioner and his assistants shall have power to investigate upon the complaint of any interested person, or of his own motion, the record of any person, firm or corporation applying for or holding a license, or any transaction involving the purchase by such applicant or licensee or attempted purchase of milk for shipment as provided in section fifty-five; and for such purpose may examine the ledgers, books of account, memoranda or other documents of any such person, firm, association or corporation applying for or holding a license and may take testimony therein under oath; but information relating to the general business of any such person, firm, association or corporation, disclosed by such investigation and not relating to the immediate purpose thereof shall be deemed of a confidential nature by the commissioner, his assistants, representatives and employees. When a complaint is filed with the commissioner, he shall attempt to secure an explanation or adjustment, and, failing this within ten days, he shall cause a copy of the complaint, together with a notice of the time and place for a hearing thereon, to be served personally or by mail upon said applicant or licensee. If served by mail, such complaint and notice shall be directed to the applicant or licensee at his place of business, with postage fully prepaid thereon. Such service shall be made at least seven days before the hearing. At the time and place appointed for such hearing, the commissioner or his assistants shall hear the parties to the complaint, shall have power to administer oaths and shall enter in the records of the office of the commissioner of agriculture a decision either dismissing such complaint or specifying the facts which he deems established on such hearing.

§ 57. **Granting and revoking licenses.** The commissioner of agriculture may decline to grant a license or may revoke a license already granted when he is satisfied of the existence of the following cases or either of them:

1. Where a money judgment has been secured by any milk producer and has been entered against such applicant or licensee and remains unsatisfied of record.

2. Where there has been a failure to make prompt settlements to persons from whom he buys milk, with intent to defraud.

3. Where there have been combinations to fix prices.

4. Where there has been a continual course of dealing of such nature as to satisfy the commissioner of the inability of the applicant or licensee to properly conduct the business or of an intent to deceive or defraud customers.

5. Where there has been a continued and persistent failure to keep records required by the commissioner or by law.

§ 58. **Certiorari to review.** The action of the commissioner of agriculture in refusing to grant a license, or in revoking a license granted under section fifty-five, shall be subject to review by writ of certiorari, and if such proceedings are begun to review the revocation of license, the license shall be deemed to be in full force and effect until the final determination of certiorari proceedings and all appeals therefrom, or if such license shall have been refused the applicant for a license shall not be deemed to have violated the provisions of section fifty-five, prohibiting the transaction of the business therein specified without a license if the fee for such license shall have been paid.

§ 59. **Records to be kept.** Every licensed proprietor of a milk gathering station shall keep, in such form as the commissioner of agriculture may prescribe, a record of transactions of purchases of milk by him.

§ 60. **Right to review.** If either party to the transaction of purchase and sale between a milk producer or a milk seller and a licensed buyer of milk shall be dissatisfied relative to any transaction of purchase and sale of milk between a milk seller and a licensed buyer of milk, he may apply to the commissioner of agriculture, in writing, within sixty days after the delivery of such milk to the licensed buyer, for investigation. The commissioner of agriculture shall treat such application as a complaint, and shall cause a full investigation of the transaction complained of to be made either by himself or one of his assistants, in the manner provided by section fifty-seven.<sup>6</sup>

§ 61. **Offenses.** Any person who, being a buyer of milk for shipment for the purposes set forth in section fifty-five, whether

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<sup>6</sup>Section 56 evidently intended.

such person be licensed or whether his business be transacted at a station or otherwise, shall (a) fail to make prompt payments for milk purchased, with intent to defraud, or (b) shall make any false or misleading statement or statements enumerated in sections fifty-five to fifty-nine inclusive, with intent to deceive, or (c) enter into any combination to fix prices, or (d) not being licensed, shall conduct the business of buying milk for shipment as provided in section fifty-five, or (e) being licensed or otherwise, engages in such business without having a station or office therefor, or (f) fails to conform to any requirement of or violates any provision of sections fifty-five to fifty-nine, inclusive, with intent to deceive a seller of milk, shall be guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

## Chap. 409.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," in relation to the compensation of president and trustees.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 5 added  
to L. 1891,  
ch. 106,  
tit. 2.

Section 1. Title three of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended by adding thereto at the end thereof a new section, to be section five, to read as follows:

Author-  
izing sub-  
mission of  
proposition  
as to sal-  
aries for  
president  
and trus-  
tees.

§ 5. There may be submitted at any such annual or special meeting, to electors of the village qualified to vote upon a proposition to raise a tax, in the manner hereinabove provided for submitting a question relating to a tax, the following questions:

Question 1. Shall the president receive a salary?

Question 2. If the president shall receive a salary, what shall be the amount thereof, annually?

Question 3. Shall each trustee receive a salary?

Question 4. If a trustee receive a salary, what shall be the amount thereof?

If the majority of the votes cast upon question one be in the affirmative, the votes cast upon question two shall be counted, but not otherwise. If the majority of the votes cast upon question three are in the affirmative, the votes upon question four shall be counted, but not otherwise. Question two and four shall each be followed by a series of tentative amounts, to be determined by the trustees, one of which amounts shall be fifty dollars and each of the others an exact multiple of twenty-five dollars and greater than fifty dollars. Each amount shall occupy a separate line by itself. The ballots for such questions shall conform as nearly as may be to the requirements of the election law relating to forms of ballots for constitutional amendments or other questions, except that questions two and four shall each have as many voting spaces as there are separate amounts, being one voting space for each such amount. To vote for any such amount, the elector shall make a cross mark in the voting space to the left thereof, but a ballot containing more than one voting mark in the series of amounts under question two or question four, shall be null and void.

Amount of salaries.

Form of ballots.

Marking ballots.

If it appear that a majority of votes are in favor of granting the president or each trustee, as the case may be, a salary, then he shall receive the amount for which the greatest number of votes was cast as appears by the marks in the voting spaces, such compensation to begin as soon as moneys raised by taxation may be available therefor.

Salary, amount of; when to begin.

Upon the petition of twenty-five electors, qualified to vote upon the propositions above enumerated, filed with the village clerk, acknowledged by each subscriber before a notary public or other officer qualified to take oaths or acknowledgments, at least ten days before any annual village election, there shall be submitted thereat in like manner the question: "Shall the action of the electors and taxpayers heretofore taken granting a salary to the mayor and trustees be rescinded?" Or the question may be confined to the president alone or to the trustees, as the case may be, and the form thereof changed accordingly.

Submission of question of rescinding salary.

If a majority of the votes cast upon any such question are in the affirmative, no such salary shall be thereafter granted until a subsequent submission and adoption of the propositions relating to the granting of such salaries. At least two years shall elapse between the submission of any question or questions under the provisions of this section.

Rescinding of salaries; subsequent granting of salaries.

§ 2. This act shall take effect immediately.

## Chap. 410.

AN ACT to amend the insurance law, in relation to fraternal beneficiary societies, orders and associations.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 33,  
§§ 242,  
245, as  
added by  
L. 1911,  
ch. 198,  
amended.

Section 1. Sections two hundred and forty-two and two hundred and forty-five of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter one hundred and ninety-eight of the laws of nineteen hundred and eleven, are hereby amended to read as follows:

§ 242. **Reports and valuations.** 1. Every society transacting business in this state shall, annually, on or before the first day of March, file with the superintendent of insurance, in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December last preceding, and of its transactions for the year ending on that date, and shall also furnish such other information as the superintendent may deem necessary to a proper exhibit of its business and plan of working. Such superintendent may at other times require any further statement he may deem necessary to be made relating to such society.

2. In addition to the annual report herein required, each society shall report, annually, to the superintendent a valuation of its certificates in force on December thirty-first last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year, in whole or in part, are used for current mortality and expenses; provided the first report of valuation shall be made as of December thirty-first, nineteen hundred and twelve. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present midyear value of the future net contributions provided in the constitution and laws as the same are in practice actually collected, not including therein any value for the



right to make extra assessments. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation, hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.

3. Such valuations shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the superintendent within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except those for disability benefits, shall be the National Fraternal Congress table of mortality, as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or, at the option of the society, any higher table, or it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives, with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society; provided, that, where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience, and, in such case, a separation of the funds shall not be required. The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, except as provided in subsection five of this section, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

4. Beginning with the year nineteen hundred and fourteen, a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member thereof not later than June first of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing

the same be mailed to each such beneficiary member. The laws of such society shall provide that, if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws, or found necessary otherwise, additional contributions, or additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of a member his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

5.<sup>1</sup> If the valuation of the certificates, as hereinbefore provided, on December thirty-first, nineteen hundred and seventeen, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilities, such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of deficiency as shown in the valuation as of December thirty-first, nineteen hundred and seventeen. If, at any succeeding triennial valuation, such society does not show at least the same condition, the superintendent shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the said condition required herein, the superintendent may, in the absence of good cause shown for such failure, institute proceedings for the liquidation and dissolution of such society, in accordance with the provisions of section sixty-three of this chapter, or, in the case of a foreign society, he may cancel its license to transact business in this state; provided that nothing contained in section sixty-three of this chapter shall be construed to authorize, prior to December thirty-first, nineteen hundred and seventeen, any application for the possession or liquidation of any society organized or transacting business pursuant to the provisions of this article by reason of the fact that the condition of such society is found, after examination, to be such that it could not meet the requirements for incorporation and authorization specified in this article.

6.<sup>2</sup> Any such society shown by any triennial valuation, sub-

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<sup>1</sup> Subd. 5 materially amended.

<sup>2</sup> Subd. 6 materially amended.



sequent to December thirty-first, nineteen hundred and seventeen, not to have maintained the condition herein required shall, within two years thereafter, make such improvement as to show a percentage of deficiency not greater than as of December thirty-first, nineteen hundred and seventeen, or, thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section two hundred and thirty-four of this article applicable to the organization of new societies; provided that the net mortuary or beneficiary contributions and funds of such new members shall be kept separate and apart from the other funds of the society. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class, and their certificates valued, in respect to contributions and funds, as an independent society.

7.<sup>3</sup> In lieu of the foregoing requirements, any society may accept in its laws the following provisions and may value its certificates on a basis, herein designated "accumulation basis," by crediting each member with the net amount contributed for each year and with interest at approximately the net rate earned, and by charging him with his share of the losses for each year, herein designated "cost of insurance," and carrying the balance, if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality recognized by the law of this state, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles or laws or contracts no charge shall be carried forward from the first valuation hereunder against any member for any past share of losses exceeding the contributions and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit, including the contribution for the year, the contribution shall be increased to cover his share of the losses. Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose.

Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained and on such transfer shall be entitled to make such application of his credit as provided in the laws of the society.

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<sup>3</sup> Subd. 7 new.

Certificates issued, rerated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumptions for mortality and interest recognized by the law of this state shall be valued on such basis, herein designated the "Tabular basis;" provided that if on the first valuation under this section, a deficiency in reserve shall be shown for any such certificate, the same shall be valued on the accumulation basis.

Whenever in any society having members upon the tabular basis and upon the accumulation basis, the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year, the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions or by an increase in the number of assessments applied to the society as a whole or to classes of members as may be specified in its laws. Savings from a lower amount of death losses may be returned in like manner as may be specified in its laws.

If the laws of the society so provide, the assets representing the reserves of any separate class of members may be carried separately for such class as if in an independent society, and required reserve accumulation of such class so set apart shall not thereafter be mingled with the assets of other classes of the society.

A table showing the credits to individual members for each age and year of entry and showing opposite each credit the tabular reserve required on the whole life or other plan of insurance specified in the contract, according to assumptions for mortality and interest recognized by the law of this state and adopted by the society, shall be filed by the society with each annual report, and also be furnished to each member before July first of each year.

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the credit for such member and giving the tabular reserve and level rate required for a transfer carrying out the plan of insurance specified in the contract. No table or statement need be made or furnished where the reserves are maintained on the tabular basis.

For this purpose individual bookkeeping accounts for each member shall not be required and all calculations may be made by actuarial methods.

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis

and the reserves on the tabular basis as any society may provide by or pursuant to its laws; nor be construed as giving to the individual member any right or claim to any such reserve or credit other than the manner as expressed in the contract and its laws; nor as making any such reserve or credits a liability in determining the legal solvency of the society.

§ 245.<sup>4</sup> **Exemption of certain societies.** Nothing contained in this article shall be so construed as to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, Knights of Pythias (exclusive of the insurance department of the supreme lodge Knights of Pythias), or to similar societies, orders or associations now doing business in this state which provide benefits exclusively through local or subordinate lodges, or to

(a) Orders, societies or associations which limit their admission to membership to any one hazardous occupation;

(b) Domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation which provide for a death benefit of not more than four hundred dollars or disability benefits of not more than three hundred and fifty dollars to any one person in any one year, or both;

(c) Domestic societies or associations of a purely religious, charitable and benevolent description organized on January first, nineteen hundred and thirteen, which provide for a death benefit of not more than four hundred dollars or for disability benefits of not more than three hundred and fifty dollars to any one person in any one year, or both.

Provided, however, that any such society or association described in subdivisions b and c, which provides for death or disability benefits for which certificates are issued, and any such society or association included in subdivision c which has more than one thousand members, shall not be exempted from the provisions of this section or chapter, but shall comply with all the requirements thereof, and, provided further, that nothing in subdivisions (a) and (b) of subsection one of section two hundred and thirty-one of this chapter, and subsections two, three, four, five, six and seven of section two hundred and forty-two of this chapter shall affect or apply to the Independent Order Free Sons of Israel or to any corporation, society, order or voluntary association, which

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<sup>4</sup> Section 245 materially amended.

was, prior to the first day of March, nineteen hundred and eleven, organized and doing business in this state on the lodge system, as provided in subsection two of section two hundred and thirty of this chapter which does not issue death benefit certificates in a sum exceeding five hundred dollars to any one member and whose membership is confined and limited exclusively to persons of one particular faith.

No society which, by the provisions of this section is exempt from the requirements of this article or chapter, except any society described in subdivision a, shall give or allow, or promise to give or allow, to any person any compensation for procuring new members.

The superintendent of insurance may require from any society or association, by examination or otherwise, such information as will enable him to determine whether such society or association is exempt from the provisions of this article or chapter.

Any fraternal benefit society heretofore organized and incorporated and operating within the definitions set forth in section two hundred and thirty of this article providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this article and shall have all the privileges and be subject to all the provisions and regulations of this article, except that the provisions thereof requiring medical examinations, valuations of benefit certificates, and that the certificates shall specify the amount of benefits, shall not apply to such society.

§ 2. This act shall take effect immediately.

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## Chap. 411.

AN ACT to amend the Greater New York charter, in relation to the construction of wharf structures and making repairs to wharf property in said city.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight hundred and twenty-one of the Greater New York charter, as re-enacted by chapter four hundred and

sixty-six of the laws of nineteen hundred and one, and as amended by chapter six hundred and nine of the laws of nineteen hundred and two, and as amended by chapter four hundred and thirty-four of the laws of nineteen hundred and twelve,<sup>1</sup> is hereby amended so as to read as follows:

re-enacted  
by L. 1901,  
ch. 466,  
and  
amended  
by L. 1902,  
ch. 609,  
and  
L. 1912,  
ch. 434,  
amended.

#### CONSTRUCTION OF PIERS AND DOCKS REGULATED.

§ 821. In executing the plan or plans mentioned in section eight hundred and nineteen of this act, the commissioner of docks shall proceed, according to said plan or plans, to lay out, establish, and construct wharves, piers, bulkheads, basins, docks, or slips in the territory or district embraced in such plan or plans, and in and upon or about the property owned by the city of New York, without interfering with the property or rights of any other person except so far as may be necessary to insure the safety and stability of the wharves, piers, bulkheads, basins or slips so to be constructed. And the said commissioner may commence and carry on such construction in sections of said territory or district from time to time so as not to seriously incommode the commerce of said city. The work of said construction under such plan or plans shall, unless ordered to be otherwise performed by the commissioner of docks, be performed as follows: The said commissioner of docks shall prepare full and minute specifications for such work, and advertise for proposals for doing said work under said plan or plans, and according to such specifications; proposals therefor shall be signed by the bidders for the said work and be sent to the said commissioner within the time specified in such advertisement, accompanied by a bond in the form set forth in said specifications, duly executed. The said commissioner of docks shall open said proposals on a day to be specified in such advertisement and shall examine them and, unless the said commissioner shall deem it for the interest of the city to reject all bids, shall award the contract for such work to the lowest responsible bidder complying with such plan or plans and specifications; such contract shall be executed by the said commissioner of docks on behalf of the city of New York, and shall always contain provisions as to the time of commencing and completing said work and for the retention of ten per centum of its contract price, until the completion of said work, as security for its performance, and for the forfeiture of

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<sup>1</sup> Section 821 was also amended by L. 1901, ch. 724.

said contract for nonperformance of the terms thereof. Said commissioner of docks may, upon the forfeiture of any such contract, proceed to complete the work thereunder without contract or may readvertise for proposals to complete said work and award a new contract therefor in the same manner as provided herein for awarding the original contract; but no bidder under this section shall be entitled to a contract until his bid be approved and accepted by said commissioner of docks.<sup>1</sup>

§ 821a  
added.

§ 2. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding, after section eight hundred and twenty-one, a new section, to be section eight hundred and twenty-one-a thereof, to read as follows:

**WORK OF CONSTRUCTION NOT UNDER NEW PLAN; REPAIRS.**

§ 821-a. The commissioner of docks is hereby authorized to perform all work of construction not provided for in section eight hundred and twenty-one of this act and to make repairs to any and all wharf property, placed under his charge and control by section eight hundred and eighteen of this act, by the force and equipment of the department of docks and ferries; provided that no dredging shall be contracted for and no materials or supplies shall be purchased except as provided in section four hundred and nineteen of this act.

§ 3. This act shall take effect immediately.

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<sup>1</sup> Remainder of section omitted which read: "No dredging shall be contracted for and no material nor supplies for work or construction under said plan or plans shall be purchased except as provided in section four hundred and nineteen of this act. Provided, however, that repairs not to exceed one thousand dollars in amount on any one dock, pier or bulkhead, may be done by day's work, and without contract, whenever in the judgment of the commissioner of docks it is expedient so to do."

## Chap. 412.

AN ACT to amend the code of civil procedure, in relation to examination of subscribing witnesses to a will.

Became a law April 29, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-six hundred and eighteen of the code of civil procedure is hereby amended to read \* follows: § 2618  
amended.

§ 2618. **Witnesses to be examined; proof required.** Upon the return of the citation, the surrogate must cause the witnesses to be examined before him. <sup>1</sup> In a case where there is no contest and no objection or if no objections to the probate are filed and if all the parties are of full age and of sound mind or if the special guardian attends before the surrogate the surrogate may in his discretion order that a witness who is in the state but not in the county where the will is offered for probate or an adjoining county, be examined before the surrogate of the county in which the witness shall be, in which case the original will shall be attached to the order and transmitted to the surrogate of the county where the proofs are ordered to be taken and the proofs and said original will shall be returned to the surrogate before whom the proceeding is pending. The proofs must be reduced to writing. Before a written will is admitted to probate, two, at least, of the subscribing witnesses must be produced and examined, if so many are within the state, and competent and able to testify. Before a nuncupative will is admitted to probate, its execution and the tenor thereof must be proved by at least two witnesses. Any party, who contests the probate of the will, may, by a notice filed with the surrogate at any time before the proofs are closed, require the examination of all the subscribing witnesses to a written will, or of any other witness, whose testimony the surrogate is satisfied may be material; in which case, all such witnesses, who are within the state, and competent and able to testify, must be so examined.

§ 2. This act shall take effect September first, nineteen hundred and thirteen. In effect  
Sept. 1,  
1913.

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\* So in original.

<sup>1</sup> Following sentence new.



## Chap. 413.

AN ACT to create a commission to dedicate the monument erected by the state of New York, at Andersonville, in the state of Georgia, to commemorate the heroism, sacrifice and patriotism of more than nine thousand New York soldiers, who were confined as prisoners of war in Andersonville prison, Georgia, of whom more than two thousand five hundred died in the prison, and making an appropriation therefor.

Became a law April 30, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commission  
created;  
how  
constituted.

Section 1. A commission is hereby created to consist of thirteen members — three senators, to be appointed by the president of the senate, five members of assembly, to be appointed by the speaker of the assembly, and five veterans of the civil war, who enlisted from the state of New York, who are survivors of Andersonville prison, and who are at present citizens of the state of New York, to be appointed by the governor, such appointments in each case to be made within thirty days after the passage of this act.

Commission  
to have  
charge of  
dedication.

Organisa-  
tion.

§ 2. This commission so created shall have complete charge of the ceremonies to dedicate the monument erected by the state of New York, at Andersonville, in the state of Georgia, to commemorate the heroism, sacrifice and patriotism of more than nine thousand New York soldiers, who were confined as prisoners of war in Andersonville prison, Georgia, of whom more than two thousand five hundred died in the prison. Immediately after their appointments, the commissioners shall meet and select a chairman and secretary.

Appropriation.

§ 3. Twenty thousand dollars (\$20,000), or as much thereof as may be necessary are hereby appropriated for the proper carrying out of the provisions of this act, the same to be paid by the treasurer on the warrant of the comptroller, on proper vouchers, duly certified by the chairman and secretary of this commission.

§ 4. This act shall take effect immediately.



## Chap. 414.

AN ACT to amend chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," in relation to enabling the state to furnish the United States the right of way necessary for rectification of the bend in the Harlem River Ship canal, and making an appropriation therefor.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter one hundred and forty-seven of the laws of eighteen hundred and seventy-six, entitled "An act granting to the United States the right to acquire the right of way necessary for the improvement of the Harlem river and Spuyten Duyvil creek from the North river to the East river through the Harlem kills, and ceding jurisdiction over the same," as amended by chapter three hundred and forty-five of the laws of eighteen hundred and seventy-nine, chapter sixty-five of the laws of eighteen hundred and eighty, chapter sixty-one of the laws of eighteen hundred and eighty-one and chapter two hundred and fourteen of the laws of eighteen hundred and eighty-three, is hereby amended by adding thereto four new sections, to be numbered, respectively, thirteen, fourteen, fifteen and sixteen, to read as follows:

§ 13. Whenever the United States shall authorize the cession to the state of New York of all the lands heretofore acquired by the United States in that part of the bed of the Harlem Ship canal to be eliminated up to the new bulkhead to be established by the secretary of war in the process of straightening the said canal according to the project or a modification, approved by the state engineer, of the project adopted by congress March fourth, nineteen hundred and thirteen, then and in that event, the special examiner and appraiser of canal lands, in order to cheapen transportation and facilitate traffic to and from

§§ 13-16  
added to  
L. 1876,  
ch. 147.

Agreement  
with own-  
ers as to  
price of  
lands  
necessary  
for rectifi-  
cation of  
bend in  
Harlem  
ship canal.

points on the canals and other waters of the state, may, subject to the approval of the canal board, fix and determine with the owner or owners upon a fair valuation and agree upon a price to be paid by the state and accepted in full compensation by the owner or owners of the land and land under water, with any improvements thereon, on the northerly side of the Harlem River Ship canal in the borough of the Bronx, necessary to enable the state of New York to furnish to the United States the right of way requisite for location, construction and convenient use in the rectification of the bend in the Harlem River Ship canal between the Hudson river and Broadway, conformably to and as shown on the map accompanying and filed with project or a modification, approved by the state engineer, of project number three, recommended by the board of engineers, United States army, in compliance with the provisions of the United States river and harbor act of March three, nineteen hundred and nine, and submitted to the house of representatives February twenty-second, nineteen hundred and twelve.

Acquisition  
of lands by  
condemna-  
tion in  
absence of  
agree-  
ments.

§ 14. In case said special examiner and appraiser of canal lands is unable, with the approval of the canal board, to agree with the owner or owners of such land for the purchase thereof, and the United States shall have authorized the cession to the state of New York of the land to be eliminated in rectification of said canal as provided in section thirteen, the canal board may acquire by condemnation proceedings instituted and conducted by the attorney-general on behalf and in the name of the people of the state of New York, under the provisions of title one of chapter twenty-three of the code of civil procedure, title to the land and land under water, with any improvements thereon, specified and described in section thirteen.

Payment  
of moneys  
for lands  
acquired.

§ 15. On the requisition of said canal board, and upon a voucher or vouchers certified by said board, or by such officer or officers thereof as it may authorize for that purpose, in form to be approved by the comptroller, the comptroller shall pay the sum or sums agreed upon by and between the special examiner and appraiser of canal lands and the owner or owners as provided in section thirteen, or the sum or sums adjudged to the owner or owners pursuant to condemnation proceedings as provided in section fourteen, as the case may be, that may be required to pay for the land specified in section thirteen hereof as necessary to enable the state of New York to furnish to the United States the right of

way requisite for the rectification of the bend in the Harlem River Ship canal.

§ 16. Upon the acquisition, by purchase or by condemnation, by said canal board on behalf of and in the name of the people of the state of New York of the land and land under water, with any improvements thereon, specified and described in section thirteen hereof and compliance by the United States with the provisions of section thirteen which apply thereto, said canal board shall cede the said land and land under water to the United States as a right of way for location, construction and convenient use in the rectification of the bend in the Harlem River Ship canal between the Hudson river and Broadway, conformably to and as shown on the map accompanying and filed with project or a modification, approved by the state engineer of project number three, recommended by the board of engineers, United States army, in compliance with the provisions of the United States river and harbor act of March three, nineteen hundred and nine, and submitted to the house of representatives February twentieth, nineteen hundred and twelve.

Cession of  
lands to  
United  
States.

§ 2. The lands which shall be ceded to the state of New York by the United States, mentioned in section thirteen hereof, shall be sold by the state under the direction of the canal board to the person or persons who shall pay the highest price therefor, when the canal board after it has investigated as to the value of said land shall certify that the price fixed upon to be paid to the state for said land is the full value thereof. Provided, that such land shall not be sold for a less sum than the aggregate par value of the certificates of indebtedness issued hereunder, and the proceeds of the sale of the said land shall be paid into the treasury of the state and so much thereof as may be necessary applied to the payment of the principal of such certificates of indebtedness. To temporarily provide moneys necessary to enable the state to purchase the right of way before it shall realize the moneys necessary therefor from the sale of the lands to be ceded to the state by the United States, the canal board is hereby authorized to issue, and the comptroller shall sell in the manner herein provided, certificates of indebtedness, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, to an amount not exceeding in the aggregate one million dollars, and the proceeds thereof shall be paid into the treasury of the state. Such certificates shall be sold to the highest bidder for not less

Sale of  
lands ceded  
to state by  
United  
States.

Application  
of proceeds.

Issuance of  
certificates  
of indebt-  
edness.

sale.

than par after advertisement, by the comptroller, if the canal board so direct, twice a week for two successive weeks in two daily papers printed in the city of New York, and shall be issued for a term of not exceeding five years from the date of their issue and shall have plainly printed on their face the condition that they may be paid before maturity at any time which the legislature may determine.

Cession to  
United  
States  
subject to  
certain  
reserva-  
tions.

§ 3. The said cession of land and land under water to the United States as a right of way shall be made upon the express reservation to the state of New York of all the rights of said state over all bridges and tunnels now constructed or hereafter to be constructed over or under the said Harlem river or Spuyten Duyvil creek, and upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the territory covered by said improvement as to all crimes committed therein, and so far as that all civil and criminal process which may issue under the laws or authority of the state of New York may be executed therein in the same way and manner as if such cession had not been made, except so far as such process may affect the real or personal property of the United States.

§ 4. This act shall take effect immediately.

## Chap. 415.

AN ACT to establish a state commission for improving the condition of the blind of the state of New York, and making an appropriation therefor.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commission  
established.

Section 1. There shall be established a state commission, to be known as the New York state commission for the blind, consisting of five persons to be appointed by the governor within sixty days after the passage of this act. No person appointed to this commission shall serve thereon while serving as an official of any workshop or school wherein blind people may be placed.

Terms of  
members.

§ 2. The full term of office of the members of this commission

shall be five years. But of the first commission appointed, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. At the expiration of the term of any member of the commission, his successor shall be appointed for a term of five years.

§ 3. It shall be the duty of this commission to cause to be maintained a complete register of the blind in the state of New York, which shall describe the condition, cause of blindness, capacity for education and industrial training of each, with such other facts as may seem to the commission to be of value.

Register of  
blind of  
state.

§ 4. The commission shall maintain or cause to be maintained one or more bureaus of information and industrial aid, the object of which shall be to aid the blind in finding employment and to teach them trades and occupations which may be followed in their homes.

Bureaus of  
informa-  
tion and  
industrial  
aid.

§ 5. The commission may establish one or more schools for industrial training and workshops for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay to employees suitable wages, and to devise means for the sale and distribution of the products thereof. The commission may also pay for, during their training, the temporary lodging and support for pupils or workmen received at any industrial school or workshop established by it or other establishments in which the blind are now or may hereafter be received and instructed, when in its judgment the efficiency of such blind persons will thereby be promoted.

Establish-  
ment of  
industrial  
training  
schools and  
workshops.

Support of  
pupils.

§ 6. The commission may ameliorate the condition of the blind by promoting visits among them and teaching them in their homes, as the commission may deem advisable.

Visiting  
blind;  
home  
teaching.

§ 7. It shall be the duty of this commission to continue to make inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable, and to inaugurate and co-operate in any such preventive measures for the state of New York as may seem wise.

Cause and  
prevention  
of blind-  
ness.

§ 8. The commission may appoint such officers and agents as may be necessary and fix their compensation within the limits of the annual appropriation, in all cases, giving preference to blind persons of equal efficiency, but no person employed by the commission shall be a member thereof. It shall make its own by-laws, and shall annually, on or before the first day of January, make a

Officers and  
agents.

By-laws.  
Annual  
report.

Annual  
estimate.

report to the governor and the legislature of its proceedings up to and including the thirtieth day of September preceding, embodying therein a properly classified and tabulated statement of its receipts and expenditures. The commission shall make a classified and tabulated statement of its estimate for the year ensuing, to the governor on or before the first day of January in each year. The annual report shall also present a concise review of the work of the commission for the preceding year, with such suggestions and recommendations for improving the condition of the blind and preventing blindness as to it may seem expedient.

Annual  
appropriation.

§ 9. There may be advanced to the chairman of said commission out of the treasury of the state annually, from the amount appropriated for the maintenance of the industries under its supervision, such sum as may be necessary, not exceeding five thousand dollars (\$5,000) at any one time, to be used as a working capital for said industries. Said sum when drawn from the treasury of the state shall be deposited in a national bank or trust company to the credit of the chairman of the commission as such, who shall give a bond in such sum and with such sureties as the comptroller may approve.

Depository.

Books of  
account for  
industries.  
Use of  
moneys  
from sale  
of products.

Examina-  
tion of  
accounts.

§ 10. The commission shall keep separate books of account for its industries, and may use all moneys received from the sale of any products made at its workshops, or from the sale of products made under its supervision to which it has title, for the purpose of carrying on its said industries. The comptroller, or some person authorized by him, shall at least once in each year, and oftener if he deems it advisable, examine the books, accounts and vouchers of the commission.

No com-  
pensation  
for mem-  
bers of  
commis-  
sion;  
expenses.

§ 11. The members of the commission shall receive no compensation for their services, but their traveling and other necessary expenses incurred in the performance of their official duties shall be audited by the comptroller and paid by the treasurer of the state, out of moneys that may be appropriated therefor.

Appro-  
priation.

§ 12. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for carrying out the objects and purposes of this act, to be paid by the state treasurer upon the warrant of the comptroller to the order of such commission.

§ 13. This act shall take effect immediately.



## Chap. 416.

AN ACT to amend the banking law, in relation to the investment of savings bank deposits and income derived therefrom.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision three of section one hundred and forty-six of chapter ten of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," is hereby amended to read as follows:

3. In the stocks or bonds or interest-bearing obligations of any state of the United States which has not within ten years previous to making such investment by such corporation defaulted in the payment of any part of either principal or interest of any debt authorized by the legislature of any such state to be contracted; and in the bonds or interest-bearing obligations of any state of the United States, issued in pursuance of the authority of the legislature of such state, which have, prior to May twenty-ninth, eighteen hundred and ninety-five, been issued for the funding or settlement of any previous obligation of such state theretofore in default, and on which said funding or settlement obligation there has been no default in the payment of either principal or interest since the issuance of such funding or settlement obligation, and provided the interest on such funding or settlement obligation has been paid regularly for a period of not less than ten years next preceding such investment; and in the stocks, bonds or interest-bearing obligations of any state of the United States, issued in pursuance of the authority of the constitution or the legislature of such state, to refund at or before maturity or within ninety days after maturity any of the bonds or obligations of such state which at their maturity or at the date of their payment, if paid before maturity, were legal investments for savings banks under the provisions of this subdivision, on which refunding obligation there has been no default in the payment of either principal or interest since the issuance thereof.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of subdivision new.

L. 1909,  
ch. 10,  
§ 146,  
subd. 3  
amended.

Investment  
of savings  
bank de-  
posits in  
state  
obligations

## Chap. 417.

AN ACT to amend chapter six hundred and forty-six of the laws of nineteen hundred and five, entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester and to provide means for the payment therefor," generally.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventeen of chapter six hundred and forty-six of the laws of nineteen hundred and five, entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor," is hereby amended to read as follows:

L. 1905,  
ch. 648,  
§ 17  
amended.

Offices,  
etc., for  
commis-  
sioners to  
be pro-  
vided.

Commis-  
sioners  
may au-  
thorize use  
of com-  
pleted por-  
tions of  
sewer.

Operation  
of settling  
plant.

Terms  
of com-  
missioners  
extended.

Saving  
clause.

§ 17. The said sewer commissioners are hereby authorized and empowered to provide suitable offices and conveniences for the transaction of the business of the commission, and to provide proper and needful furniture and safes for the safekeeping of its documents. <sup>1</sup>After the completion of the sanitary outlet sewer to a point in the Hudson river at or beyond the bulkhead line as established by the United States war department the sewer commissioners may grant permits for and authorize the use of such portions of the sanitary trunk sewer as may be completed, under such rules and regulations as they may prescribe, and upon the completion of the settling, reducing or screening plant herein authorized to be constructed the same shall be operated by the sewer commissioners until the entire sewer and settling, reducing or screening plant have been turned over to the board of supervisors as provided in this act. The term of office of said commissioners appointed pursuant to the provisions of chapter three hundred and sixty-one of the laws of nineteen hundred and eleven is hereby extended to two years and eleven months from the date of their organization, when their term of office and the office itself shall cease and determine.

§ 2. Nothing contained in this act shall be construed to repeal

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<sup>1</sup> Remainder of section new.



any statute of the state of New York not inconsistent with the provisions of this act, and the same shall remain in full force and effect when not inconsistent with the provisions of this act and shall be construed and enforced in harmony with the provisions of this act. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 418.

AN ACT to amend the Greater New York charter, in relation to commissioners of deeds.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fifty-eight of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one and amended by chapter four hundred and thirteen of the laws of nineteen hundred and four, is hereby amended to read as follows:

L. 1897,  
ch. 878,  
§ 58, as  
re-enacted  
by L. 1901,  
ch. 466,  
and  
amended by  
L. 1904,  
ch. 418,  
amended.

IDEM; COMMISSIONERS OF DEEDS; APPOINTMENTS; TERM; REMOVAL FROM OFFICE.

§ 58. The board of aldermen is hereby authorized and is empowered to appoint commissioners of deeds from time to time, who shall hold their offices for two years from the date of their appointment; such appointment shall not require the approval of the mayor, and hereafter, at the time of subscribing or filing the oath of office the city clerk shall collect from each person appointed a commissioner of deeds the sum of five dollars, and he shall not administer or file said oath unless said fee has been paid. The city clerk shall appoint an officer, to be known as commissioner of deeds clerk, whose duties shall be to enter the names of commissioners of deeds appointed, in a book kept for that purpose, make out certificates of appointment and to discharge such other duties as the city clerk may designate. Said commissioner of deeds clerk shall receive a salary at the rate of

twelve hundred dollars per annum, payable monthly. Any person hereafter appointed to the office of commissioner of deeds in and for the city of New York by the board of aldermen, before entering upon the discharge of the duties of said office and within thirty days after such appointment, shall take and subscribe before the commissioner of deeds clerk, in the office of the city clerk, the following oath of office: That the applicant is a citizen of the United States and of the state of New York, and a resident of the city of New York; that he will support the constitution of the United States and the constitution of the state of New York, and faithfully discharge the duties of the office of commissioner of deeds. Any commissioner of deeds who may remove from the city of New York during his term of office is hereby required to notify the city clerk of such removal. Any person appointed to the office of commissioner of deeds under the provision of this section upon qualifying as above provided may take acknowledgments and administer oaths in any part of the city of New York, upon<sup>1</sup> filing a certificate of his appointment in the office of the clerk or register, if any,<sup>2</sup> of the county in which he resides and the register if any<sup>3</sup> or in which the borough in which the acknowledgment is taken or the oath is administered is situated, and all papers so acknowledged or verified shall be recorded or read in evidence without any further proof in all the boroughs of the city of New York. The city clerk upon the request of any commissioner appointed under the provisions of this act must make and deliver to such commissioner a certificate or certificates<sup>4</sup> under his hand and official seal, showing the appointment and term of office of such commissioner, which certificate may be filed in the office of the clerk of the counties of New York, Kings, Queens and Richmond and the register of the counties of New York and Kings<sup>5</sup> upon payment of six cents in each office for filing. The clerks of the counties of New York, Kings, Queens and Richmond and the register of the counties of New York and Kings<sup>5</sup> shall each keep a book in which shall be registered the signatures of the commissioners so filing such certificate, and said clerks of the counties of New York, Kings, Queens and Richmond shall upon demand and upon payment of the sum of

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<sup>1</sup> Word "upon" substituted for word "without."

<sup>2</sup> Words "or register, if any," new.

<sup>3</sup> Words "and the register if any," new.

<sup>4</sup> Words "or certificates" new.

<sup>5</sup> Words "and the register of the counties of New York and Kings," new.

twenty-five cents, authenticate a certificate of acknowledgment or proof or oath taken before such a commissioner of deeds, by subjoining or attaching to the original certificate or acknowledgment or proof or oath, a certificate under his hand and official seal specifying that at the time of taking the acknowledgment or proof, the officer taking it was duly authorized to take the same; that the authenticating officer is acquainted with the former's handwriting, or has compared the signature to the original certificate with that deposited in his office by such officer, and that he verily believes the signature to the original certificate is genuine, and if the original certificate is required to be under seal, he must also certify that he has compared the impression of the seal affixed thereto with the impression of the seal of the officer who took the acknowledgment or proof deposited in his office, and that he verily believes the impression of the seal upon the original certificate to be genuine, without regard to the county in which said acknowledgment was taken or oath administered, provided that said county be wholly within the city of New York, or if it be partly within the city of New York, that the acknowledgment was taken or oath administered in that portion of said county which is included within the boundaries of the city of New York. Any instrument or paper acknowledged before a commissioner within the city of New York and certified by the clerk of the county of New York, Kings, Queens or Richmond as hereinbefore provided, shall be recorded and read in evidence in any county of this state without further proof. <sup>6</sup>On and after the first day of June, nineteen hundred and thirteen, a recording officer of a county wholly included in the city of New York shall not accept for record any instrument acknowledged by a commissioner of deeds after the thirty-first day of May, nineteen hundred and thirteen, unless there is on file in his office a certificate of the city clerk, showing the \*appointment and qualification of such commissioner. The term of office of every commissioner of deeds who, on the first day of May, eighteen hundred and ninety-eight, shall be holding over after a term of two years, shall then cease. The mayor of the city of New York may remove any commissioner of deeds appointed under the provisions of this section for cause shown; but no such commissioner shall be removed until charges have been duly made against him to the

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\* So in original.

• Following sentence new.

said mayor and the said commissioner shall have had an opportunity to answer the same. At any proceedings held before the said mayor for the removal of such commissioner of deeds, the said mayor shall have power to subpoena witnesses and to compel the attendance of the same, and to administer oaths, and to compel the production of books and papers, and upon the termination of such proceedings, shall make his decision thereon in writing, and cause the same to be filed in the office of the city clerk of the city of New York. In case the said commissioner shall be removed from office, the said city clerk shall immediately upon the receipt by him of the order of removal signed by the mayor, cause the name of the said commissioner so removed to be stricken from the roll of commissioners of deeds of said city. No person who has been removed from office as a commissioner of deeds for the city of New York, as hereinbefore provided, shall thereafter be eligible again to be appointed as such commissioner, nor shall he be eligible thereafter for appointment to the office of notary public. Any person who has been removed from office as aforesaid, who shall, after knowledge of such removal, sign or execute any instrument as a commissioner of deeds or notary public, shall be deemed guilty of a misdemeanor. <sup>7</sup>In case of the removal or resignation of a commissioner of deeds, the city clerk shall immediately notify each county clerk and register, if any, of each county wholly included in the city of New York of such removal or resignation.

§ 2. This act shall take effect immediately.

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## Chap. 419.

AN ACT to amend the military law, in relation to discharges for failure to pay fines.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and forty-three of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in

L. 1909,  
ch. 41,  
§ 143  
amended.

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<sup>7</sup> Following sentence new.

relation to the militia, constituting chapter thirty-six of the consolidated laws," is hereby amended to read as follows:

§ 143. **Discharge for failure to pay fine.** An enlisted man fined by a military court who shall neglect or refuse to pay such fine within thirty days after the same was imposed, may be dishonorably discharged from the service by the officer ordering the court without allowance of the time served.<sup>1</sup>

§ 2. This act shall take effect immediately.

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## Chap. 420.

AN ACT to confer upon the commissioners of the Palisades Interstate Park the management, charge and control of the rifle range owned by the state at Blauvelt in the county of Rockland.

Became a law April 30, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The management, charge and control of the tract of land, with the appurtenances, now known as the Blauvelt rifle range, situate at Blauvelt in the county of Rockland, selected by the armory commission pursuant to chapter two hundred and nine of the laws of nineteen hundred and eight and acquired and equipped by such commission pursuant to chapter one hundred and eighty-eight of the laws of nineteen hundred and nine, is hereby conferred upon and vested in the commissioners of the Palisades Interstate Park to be held and used by them for the same uses and purposes and with the same powers and duties in respect thereof as they are entitled by law to exercise over other park lands within their jurisdiction, except that nothing herein contained shall prevent or interfere with the use of such lands and rifle range equipment by the proper military authorities of the state for a rifle range or other military purposes.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section omitted which read: "and shall thereby be disqualified from serving in the national guard for a period of five years."

## Chap. 421.

AN ACT to amend the town law, in relation to requiring sewer connections in town sewer districts.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 245  
added to  
L. 1909,  
ch. 63.

Section 1. Article eleven of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section two hundred and forty-five, to read as follows:

§ 245. **Sewer connections.** The board of sewer commissioners shall cause a notice to be published in every newspaper published in the town or towns in which the sewer district is located, and posted in at least twenty conspicuous public places in the district, requiring the owners or occupants of all property fronting or abutting on any street or portion thereof in the town in which any public sewer is about to be laid or is being laid or has been laid by such board to make and lay connection pipes to and from the sewer mains in such street or any portion thereof in front of each separate piece of property, and where directed by such board within such time and in such manner and under such inspection as such board shall prescribe; and whenever any such owner or occupant shall have made default in making such connection with such sewer mains opposite the lands and premises owned or occupied by him as directed in and required by such printed notice therefor, in the manner and within the time specified, such board shall have power and authority to so make, extend and complete the same to the property line of the lands and premises so owned or occupied opposite thereto and in front thereof, and to connect the same with any existing pipes in front thereof; and the actual expense thereof, including all labor done and materials used in doing and completing the same, shall be assessed by the board upon each separate piece of property opposite which the same shall be done and completed and shall be a lien and liens on such premises and lots of land respectively, and the same shall be collected in the same manner as other assessments under this article, and when so collected, the amount thereof shall be paid to the sewer commissioners to meet the expense or maintenance of the sewer system.

§ 2. This act shall take effect immediately.

## Chap. 422.

AN ACT to amend the education law, in relation to the construction and operation of water-works and sewer systems by incorporated colleges.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision one of section sixty-nine of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909,  
ch. 21,  
§ 69,  
subd. 1, as  
generally  
amended  
by L. 1910,  
ch. 140,  
amended.

1. Every incorporated college in this state is duly authorized and empowered to construct and maintain a system of water-works for the purpose of supplying its college buildings and premises with pure and wholesome water for domestic, sanitary and fire purposes, and for the preservation of the health of its students, faculty and employees, and for the preservation of the public health of the town, village or city in or near which such college is located, and the construction and maintenance of such water-works is declared to be a public use. Such water-works, as often as necessary, may be enlarged or improved. <sup>1</sup>Every such incorporated college owning its water-works system and having an adequate supply of water therefrom, may furnish water to persons other than students, faculty and employees of such college at and for a just and adequate compensation, providing that they reside within a sewer district now created in which the premises of the said college or any part thereof are embraced, and provided no municipal or private public service corporation operates or maintains a system of water-works therein capable of supplying water to such inhabitants. Whenever any such college shall extend its mains along any streets, avenues or highways for the purpose of supplying water to such inhabitants, it shall not lose its exemption from taxation by reason thereof, and shall not be deemed to be exercising a public or corporate franchise within the meaning of the tax law.

Construc-  
tion and  
improve-  
ment of  
water-  
works  
system, au-  
thorized.

Furnishing  
water to  
persons not  
connected  
with col-  
lege, au-  
thorized.

Exemption  
from taxa-  
tion not  
lost.

§ 2. This act shall take effect immediately.

<sup>1</sup> Remainder of subdivision new.



## Chap. 423.

AN ACT to amend the education law, in relation to the election of trustees of Cornell University.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 21,  
§ 1031,  
subd. 2, as  
amended  
by L. 1910,  
ch. 140,  
and  
L. 1912,  
ch. 248,  
amended.

Section 1. Subdivision two of section ten hundred and thirty-one, of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten and chapter two hundred and forty-eight of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

Election by  
board, of  
trustees.

2. The board of trustees shall elect each year three trustees, and as many more as may be necessary to fill vacancies, among members elected by them caused by resignation or death. The

Election by  
alumni.

alumni of said university shall meet annually in Ithaca, on the day within the seven days<sup>1</sup> before commencement, <sup>2</sup>designated by the directors of the Associate Alumni of Cornell University at their regular preceding November meeting. <sup>3</sup>In case the directors at such meeting fail to designate a day, the meeting shall be had upon the same day prior to commencement as that on which it was held in the preceding year. <sup>4</sup>At the meeting of the alumni at each annual commencement said alumni shall elect two trustees, and as many more as may be necessary to fill vacancies arising from resignations or deaths among the number previously elected by them. Except as herein otherwise provided the term of office of each elective trustee shall be five years from the annual commencement at which he is elected; but if elected by the board of trustees at a meeting thereof during the academic year, his term shall then be five years from the commencement immediately preceding his election; but every trustee shall hold over until his successor is elected or appointed as above provided.

Terms of  
elective  
trustees.

§ 2. This act shall take effect immediately.

<sup>1</sup> Words "within the seven days," new.

<sup>2</sup> Remainder of sentence new.

<sup>3</sup> Following sentence new.

<sup>4</sup> Word "and" omitted. Following sentence was formerly part of second preceding sentence.



## Chap. 424.

AN ACT to amend the education law, relative to the divisions of history and public records.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended by inserting therein a new article, to be known as article forty-six<sup>1</sup> and to read as follows:

New art. 46  
added to  
L. 1909,  
ch. 21, as  
generally  
amended by  
L. 1910,  
ch. 140.

### ARTICLE 46.

#### DIVISIONS OF HISTORY AND PUBLIC RECORDS.

Section 1190. Divisions created.

1191. Functions of the division of history.

1192. Powers of regents in respect to public records and historical documents, et cetera.

1193. General duties of supervisor of public records.

1194. What are public records.

1195. Functions of the division of public records.

1196. Safeguarding of public records.

1197. Destruction of public records.

1198. Penalty.

§ 1190. Divisions created. The division of public records and the division of history in the education department, and the offices of supervisor of public records and state historian, as created and continued by chapter three hundred and eighty of the laws of nineteen hundred and eleven, are hereby continued as so constituted, with the powers and duties herein prescribed. Such divisions and officers and the employees thereof shall be subject to the same provisions of law and rules as the other divisions and employees of the education department.

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<sup>1</sup> A different art. 46 is added by L. 1913, ch. 676, post.

§ 1191.<sup>1</sup> **Functions of the division of history.** It shall be the function of the division of history, subject to the regulations of the regents, to collect, collate, compile, edit and prepare for publication all official records, memoranda, statistics and data relative to the history of the colony and state of New York.

It shall also be the function of the division of history in collaboration with the division of public records, when authorized by the commissioner of education so to do, to collate, compile, edit and prepare for publication as above, the official records, archives or papers of any of the civil subdivisions of the state.

And it shall further be the function of the division of history to collate, compile, edit and prepare for publication as above such archives, records, letters and manuscripts, belonging to the state or any of its officers or departments, or to any historical or patriotic society or association chartered by the regents or by statute law, or any other archives, records, papers and manuscripts, as in the judgment of the state historian but by authority of the commissioner of education, it shall be deemed for the best interests of the state to publish, for the preservation of the state's history.

§ 1192.<sup>2</sup> **Powers of regents in respect to public records and historical documents, et cetera.** The education department, pursuant to the education law, shall, on and after October first, nineteen hundred and eleven, have general and exclusive supervision, care, custody and control of all public records, books, pamphlets, documents, manuscripts, archives, maps and papers of any public office, body, board, institution or society now extinct, or hereafter becoming extinct, the supervision, care, custody and control of which are not already or shall not hereafter be otherwise provided for by law.

Such department shall take such action as may be necessary to put the records hereinabove specified, except as aforesaid, in the custody and condition contemplated by the various laws relating thereto and shall provide for their restoration and preservation, and cause copies thereof to be made whenever by reason of age, use, exposure or any casualty, such copies shall in their judgment be necessary. Whenever such copy is made, and after it has been compared with the original, it shall be certified by the official person, board or officer having the legal custody and control of said original, and shall thereafter be considered and ac-

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<sup>1</sup> Former § 4 of L. 1911, ch. 380 materially amended.

<sup>2</sup> Former § 5 of L. 1911, ch. 380, as amended.

cepted as evidence and, for all other purposes, the same as the original could be; provided that the original shall be thereafter cared for and preserved, the same as if no such copy had been made, for such examination as may be directed by an order of court in any action or proceeding in which the accuracy of the copy is questioned.

The officers of any county, city, town or village or other political division of the state or of any institution or society created under any law of the state may transfer to the regents records, books, pamphlets, manuscripts, archives, maps, papers and other documents which are not in general use, and it shall be the duty of the regents to receive the same and to provide for their custody and preservation.

§ 1193.<sup>3</sup> **General duties of supervisor of public records.** The supervisor of public records shall examine into the condition of the records, books, pamphlets, documents, manuscripts, archives, maps and papers kept, filed or recorded, or hereafter to be kept, filed or recorded in the several public offices of the counties, cities, towns, villages or other political divisions of the state, and all other public records, books, pamphlets, documents, manuscripts, archives, maps and papers heretofore or hereafter required by law to be kept by any public body, board, institution or society, created under any law of the state in said counties, cities, towns, villages or other political divisions of the state, except where the same conflicts with the present duties and office of the commissioner of records in the county of Kings and the commissioner of records in the county of New York.

§ 1194. **What are public records.** In construing the provisions of this chapter and other statutes, the words "public records" shall, unless a contrary intention clearly appears, mean any written or printed book or paper, or map, which is the property of the state, or of any county, city, town or village or part thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the state or of a county, city, town or village has received or is required to receive for filing.

All public records inscribed by public officials, other than maps, shall be entered or recorded in durable ink on linen paper durably made and well finished.

§ 1195. **Functions of the division of public records.** It shall

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<sup>3</sup> Former § 2 of L. 1911, ch. 380.

be the duty of the division of public records to take all necessary measures for the proper inscription, the retrieval, the care and the preservation of all public records in the various political divisions of the state, except as described in section eleven hundred and ninety-three.

The division of public records shall advise with and recommend to public officers hereinbefore described, as to the methods of inscribing, as to the materials used in, and as to the safety and preservation of all public records. The recommendations of the division of public records may be enforced by an order issued by a justice of the supreme court upon application of the commissioner of education, either with or without notice to the proper public officer, as such justice may require.

§ 1196. **Safeguarding of public records.** Every person who has the custody of any public record books of a county, city, town or village shall, at its expense, cause them to be properly and substantially bound. He shall have any such books which may have been left incomplete, made up and completed from the files and usual memoranda, so far as practicable.

Officers or boards in charge of the affairs of counties, cities, towns and villages shall provide and maintain fireproof rooms, vaults, safes or other fire-resisting receptacles made of noncombustible materials, of ample size for the safe-keeping of the public records in their care, and shall furnish such rooms only with fittings of noncombustible material, the cost to be a charge against such county, city, town or village. All such records shall be kept in the buildings in which they are ordinarily used, and so arranged that they can be conveniently examined and referred to. When not in use, they shall be kept in the vaults, safes or other fire-resisting receptacles provided for them.

§ 1197. **Destruction of public records.** No officer of the state or of any county, city, town or village or other political division of the state, or of any institution or society created under any law of the state, shall destroy, sell or otherwise dispose of any public record, original or copied, or of any archives, in his care or custody or under his control, and which are no longer in current use, without first having advised the commissioner of education of their nature and obtained his consent.

§ 1198. **Penalty.** A public officer who refuses or neglects to perform any duty required of him by this chapter or to comply with a recommendation of the commissioner of education under

the authority of this act, shall for each month of such neglect or refusal, be punished by a fine of not less than twenty dollars.

§ 2. Chapter three hundred and eighty of the laws of nineteen hundred and eleven is hereby repealed. Article forty-six of such chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," is hereby renumbered article forty-seven,<sup>4</sup> and sections eleven hundred and ninety, eleven hundred and ninety-one and eleven hundred and ninety-two thereof are renumbered respectively twelve hundred, twelve hundred and one and twelve hundred and two.

L. 1911,  
repealed.  
L. 1909,  
ch. 21,  
art. 46, as  
generally  
amended  
by L. 1910,  
ch. 140,  
renum-  
bered  
art. 47;  
§§ 1190-  
1192 re-  
numbered  
§§ 1200-  
1202.

§ 3. This act shall take effect immediately.

## Chap. 425.

AN ACT to amend the railroad law, in relation to the avoidance of grade crossings in the construction of new railroads across streets.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eighty-nine<sup>1</sup> of chapter four hundred and eighty-one of the laws of nineteen hundred and ten, entitled "An act in relation to railroads, constituting chapter forty-nine of the consolidated laws," is hereby amended to read as follows:

L. 1910,  
ch. 481,  
§ 89  
amended.

§ 89. **New railroads across streets.** All steam \*service railroads built after the first day of July, eighteen hundred and ninety-seven, except additional switches and sidings, must be so constructed as to avoid all public crossings at grade, whenever practicable so to do. Whenever application is made to the public service commission under section nine of this chapter, there shall be filed with the commission a map showing the streets, avenues and highways proposed to be crossed by the new construction, and the commission shall determine whether such crossings shall be under or over the proposed railroad, except where the commission shall

\* So in original.

<sup>4</sup> Art. 46 is also renumbered art. 47 by L. 1913, ch. 676, post.

<sup>1</sup> Section 89 is again amended by L. 1913, ch. 744, post. The amendments effected here are not incorporated in § 89 as amended by said ch. 744.

determine such method of crossing to be impracticable. Whenever an application is made under this section to determine the manner of crossing, the commission shall designate a time and place when and where the hearing will be given to such railroad company, and shall notify the municipal corporation having jurisdiction over the streets, avenues or highways proposed to be crossed by the new railroad. The commission shall also give public notice of such hearing in at least two newspapers, published in the locality affected by the application, and all persons owning land in the vicinity of the proposed crossing shall have the right to be heard. <sup>2</sup>Upon such a notice and after a hearing, the public service commission may determine that alterations or changes may be made in any existing highway, at or in the vicinity of a proposed crossing for the purpose of avoiding a crossing at grade.

The decision of the commission rendered in any proceedings under this section shall be communicated, within twenty days after final hearing, to all parties to whom notice of hearing in said proceedings was given, or who appeared at said hearing by counsel or in person.

§ 94, as  
amended  
L. 1911,  
ch. 141,  
amended.

§ 2. Section ninety-four<sup>3</sup> of such chapter, as amended by chapter one hundred and forty-one of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 94. **Expense of constructing new crossings.** Whenever under the provisions of section eighty-nine of this chapter, new railroads are constructed across existing highways, the expense of crossing above or below the grade of the highway, including any expense incurred in altering or changing the highway under a determination of the public service commission<sup>4</sup> shall be paid entirely by the railroad corporations. Whenever under the provisions of section ninety of this chapter a new street, avenue or highway is constructed across an existing railroad, the railroad corporation shall pay one-half and the municipal corporation wherein such street, avenue or highway is located shall pay the remaining one-half of the expense of making such crossing above or below grade; and whenever a change is made as to an existing crossing in accordance

<sup>2</sup> Following sentence new.

<sup>3</sup> Section 94 was amended by L. 1913, ch. 354, ante. The amendments effected by said ch. 354 are not incorporated in § 94 as here amended. Section 94 is again amended by L. 1913, ch. 744, post. The amendments effected by said ch. 354 and by this chapter are not incorporated in § 94 as amended by said ch. 744.

<sup>4</sup> Words "including any expense incurred in altering or changing the highway under a determination of the public service commission," new.

with the provisions of section ninety-one of this chapter, fifty per centum of the expense thereof shall be borne by the railroad corporation, twenty-five per centum by the municipal corporation, and twenty-five per centum by the state; except that whenever an existing crossing, in which a change is made under the provisions of said section ninety-one, is located wholly or partly within an incorporated village having not to exceed twelve hundred inhabitants, the portion of the expense herein required to be borne by the municipal corporation shall be borne by the town or towns in which such crossing is situated. Whenever under the provisions of sections ninety and ninety-one of this chapter a highway is constructed across an existing railroad and is a part of a state or county highway constructed or improved as provided in the highway law, one-half of the expense of making such crossing above or below grade shall be paid by the railroad corporation, and the remaining one-half of such expense shall be paid by the state in the case of a state highway, and jointly by the state, county and town in the case of a county highway, in the same proportion and in the same manner as the cost of the construction or improvement of such state or county highway is paid. Whenever in carrying out the provisions of sections ninety or ninety-one of this chapter two or more lines of steam surface railroad, owned and operated by different corporations, cross a highway at a point where a change in grade is made, each corporation shall pay such proportion of fifty per centum of the expense thereof as shall be determined by the public service commission. In carrying out the provisions of sections eighty-nine, ninety and ninety-one of this chapter the work shall be done by the railroad corporation or corporations affected thereby, subject to the supervision and approval of the public service commission, and in all cases, except where the entire expense is paid by the railroad corporation, the expense of construction shall be paid primarily by the railroad company, and the expense of acquiring additional lands, rights or easements shall be paid primarily by the municipal corporation wherein such highway crossings are located, or in case of a state or county highway, upon the order of the state commission of highways out of moneys available therefor. Plans and specifications of all changes proposed under sections ninety and ninety-one of this chapter, and an estimate of the expense thereof shall be submitted to the public service commission for its approval before the letting of any contract. If such changes are proposed in a highway which is to be



constructed or improved as a state or county highway, such plans and specifications shall also be submitted to the state commission of highways for its approval before the letting of any contract. In case the work is done by contract the proposals of contractors shall be submitted to the public service commission, and if the commission shall determine that the bids are excessive it shall have the power to require the submission of new proposals. The commission may employ temporarily such experts and engineers as may be necessary to properly supervise any work that may be undertaken under section eighty-nine, ninety and ninety-one of this chapter, the expense thereof to be paid by the comptroller upon the requisition and certificate of the commission, said expense to be included in the cost of the particular change in grade on account of which it is incurred and finally apportioned in the manner provided in this section. Upon the completion of the work and its approval by the public service commission an accounting shall be had between the railroad corporation and the municipal corporation, or the state commission of highways, of the amounts expended by each with interest, and if it shall appear that the railroad corporation or the municipal corporation, or the state commission of highways has expended more than its proportion of the expense of the crossing as herein provided, a settlement shall be forthwith made in accordance with the provisions of this section. All items of expenditure shall be verified under oath, and, in case of a dispute between the railroad corporation and the municipal corporation or the state commission of highways as to the amount expended, any judge of the supreme court in the judicial district in which the municipality, or the state or county highway, is situated may appoint a referee to take testimony as to the amount expended, and the confirmation of the report of the referee shall be final. In the event of the failure or refusal of the railroad corporation to pay its proportion of the expense, the same, with interest from the date of such accounting, may be levied and assessed upon the railroad corporation and collected in the same manner that taxes and assessments are now collected by the municipal corporation within which the work is done; and in the event of the failure or refusal of the municipal corporation to pay its proportion of the expense, suit may be instituted by the railroad corporation for the collection of the same with interest from the date of such accounting, or the railroad corporation may offset such amount with interest against any taxes levied or assessed against it or its property by such mu-



municipal corporation. The legislature shall annually appropriate out of any moneys not otherwise appropriated the sum of one hundred thousand dollars (\$100,000) for the purpose of paying the state's proportion of the expense of a change in an existing grade crossing other than that required to be paid by the state from funds appropriated for the construction of state and county highways as above provided. If in any year any less sum than one hundred thousand dollars (\$100,000) is expended by the state for the purpose aforesaid the balance remaining unexpended shall be applied to reduce the amount appropriated by the state in the next succeeding year, except that no such deduction shall be made in case there are outstanding and unadjusted obligations on account of a change in an existing grade crossing for a proportion of which the state is liable under the provisions of this section. In the event of the appropriation made by the state in any one year being insufficient to pay the state's proportion of the expense of any change that may be ordered the first payment from the appropriation of the succeeding year shall be on account of said change, and no payments shall be made on account of any subsequent change that may be ordered, nor shall any subsequent change be ordered until the obligation of the state on account of the first named change in grade has been fully discharged, unless the same shall be provided for by an additional appropriation to be made by the legislature. The state's proportion of the expense of changing any existing grade crossing shall be paid by the state treasurer on the warrant of the comptroller, to which shall be appended the certificate of the public service commission to the effect that the work has been properly performed and a statement showing the situation of the crossing that has been changed, the total cost and the proportionate expense thereof, and the money shall be paid in whole or in part to the railroad corporation or to the municipal corporation as the public service commission may direct, subject, however, to the rights of the respective parties as they appear from the accounting to be had as hereinbefore provided for. No claim for damages to property on account of the change or abolishment of any crossing under the provisions of this article shall be allowed unless notice of such claim is filed with the public service commission within six months after the completion of the work necessary for such change or abolishment.

§ 2.<sup>5</sup> This act shall take effect immediately.

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<sup>5</sup> Should be § 3.

## Chap. 426.

AN ACT to amend the general business law, in relation to establishing standard grape baskets.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 16b  
added to  
L. 1909,  
ch. 25.

Section 1. Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," as amended by chapter eighty-one of the laws of nineteen hundred and twelve, is hereby amended by inserting therein a new section to be section sixteen-b, to read as follows:

§ 16-b. **Standard grape basket.** The standard four-pound grape basket shall be of the following dimensions:

The bottom shall be three and five-eighths inches in width and nine and five-eighths inches in length; the height shall be four and one-quarter inches; the outside of the top shall be five inches in width and eleven inches in length, requiring a cover of five inches by eleven inches. The standard eight-pound grape basket shall be of the following dimensions: The bottom shall be four and three-fourths inches in width and twelve and one-fourth inches in length; the height shall be five and one-eighth inches; the outside of the top shall be six and one-half inches in width and fourteen and one-half inches in length, requiring a cover of six and one-half by fourteen and one-half inches. The standard twenty-pound basket shall be of the following dimensions: The bottom shall be seven and one-eighth inches in width and fifteen inches in length; the height shall be six and three-fourths inches; the outside of the top shall be nine and one-half inches in width and eighteen inches in length, requiring a cover of nine and one-half inches by eighteen inches. Any container complying with such dimensions and capacity need not be marked, tagged or otherwise branded, to indicate the net quantity of the contents, or to specify the same in terms of weight, measure or numerical count. No person shall manufacture, sell, offer or expose for sale, containers for grapes or other fruit, in this state, as the standard four-pound grape basket or the standard eight-pound grape basket, which are of less dimensions than those specified in

this section, unless the net quantity of the contents of each container or a statement that the specified weight includes the container, the weight of which shall be marked, shall be plainly and conspicuously marked, branded or otherwise indicated on the side of such container, in terms of weight, measure or numerical count.

§ 2. Section eighteen-a of such chapter, as added by chapter eighty-one of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 18a, as  
added by  
L. 1912,  
ch. 81,  
amended.

§ 18-a. **Penalties.** A person violating any of the provisions of sections sixteen, sixteen-a, sixteen-b,<sup>1</sup> seventeen, seventeen-b, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first and second violations, and by a fine of not less than one hundred dollars nor more than five hundred dollars for subsequent violations.

§ 3. This act shall take effect immediately.

## Chap. 427.

AN ACT in relation to school district number one of the town of Seneca, Ontario county, and repealing various acts affecting such district and schools within the territory thereof.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The name of school district number one of the town of Seneca, Ontario county, is hereby changed to the Geneva high school district and the said district is hereby declared to be a union free school district.

Name  
changed.

§ 2. The number of trustees in said school district shall continue to be five. The present trustees of said district shall continue in office for the terms for which they were respectively elected; except that the term of office of the trustee elected in the year nineteen hundred and nine shall expire on the thirty-first day of July, nineteen hundred and fourteen; the term of office of the trustee elected in the year nineteen hundred and ten shall expire on the thirty-first day of July, nineteen hundred and fif-

Declared a  
union free  
school  
district.  
Trustees,  
number.  
Present  
con-  
tinued:  
terms of  
trustees.

<sup>1</sup> Inclusion of section sixteen-b, new.

teen; the term of office of the trustee elected in the year nineteen hundred and eleven shall expire on the thirty-first day of July, nineteen hundred and sixteen; and the term of office of the trustee elected in the year nineteen hundred and twelve shall expire on the thirty-first day of July, nineteen hundred and seventeen. The trustee to be elected in the year nineteen hundred and thirteen shall be elected for a term which shall expire on the thirty-first day of July, nineteen hundred and eighteen, and thereafter

**Vacancies.** each of the trustees of said district shall be elected for a term of five years beginning on the first day of August next following his election, except that in the case of a vacancy a trustee shall be elected at the next annual meeting to fill the unexpired term.

**Nomina-  
tion of  
trustees.** § 3. No person shall hereafter be eligible for election to the office of trustee of the said district unless he shall have been nominated in writing by at least ten persons qualified to vote at the annual meeting of said district and unless such nomination shall have been filed with the clerk of the district at least five days before the annual meeting.

**Board con-  
tinued as  
body cor-  
porate.  
Name  
changed.** § 4. The said board of trustees and their successors in office shall continue to constitute a body corporate. The name of the said corporation is hereby changed from the Geneva Classical and Union School to the Board of Education of the Geneva High School District.

**Annual  
district  
meeting.** § 5. The next annual meeting of said district shall be held on the last Saturday of December in the year nineteen hundred and thirteen, at two o'clock in the afternoon, and thereafter the annual meeting of said district shall be held on the first Tuesday of May in each year at seven o'clock in the evening. All meetings of the inhabitants of said district shall be held in the assembly hall of the high school building in the city of Geneva.

**Vote on  
estimates  
of moneys  
required  
to July  
31, 1914.** § 6. It shall be the duty of the board of education of said district to present at the annual meeting to be held in December, nineteen hundred and thirteen, a detailed statement in writing of the amount of money which will be required for school purposes in said district up to and including the thirty-first day of July, nineteen hundred and fourteen, exclusive of the public moneys, specifying the several purposes and the amount for each, and at the annual meeting to be held in December, nineteen hundred and thirteen, the inhabitants of said district shall vote upon the question of raising the necessary taxes to meet such estimated expenditures for that period only. Thereafter at the an-

nual meeting to be held in May of each year the board of education shall present such statement of the amount of money which will be so required for the fiscal year beginning on the first day of August next following said meeting and the inhabitants of said district shall vote upon the question of raising the necessary taxes to meet such estimated expenditures for such fiscal year.

Vote on estimates thereafter.

§ 7. The treasurer of said district elected in the year nineteen hundred and twelve is hereby continued in office, except that his term of office shall expire on the thirty-first day of July, nineteen hundred and fifteen. At the annual meeting of said district to be held in the year nineteen hundred and fifteen, and every third year thereafter, and as often as the office becomes vacant, the inhabitants of said district shall elect a suitable person treasurer of said district, who shall hold his office for three years from the first day of August next following his election and until a successor is elected or appointed in his place, unless he shall be sooner removed by the board of education for misconduct in office. The board of education is hereby authorized to make such removal for that cause. In case of the removal of the treasurer or in case of a vacancy the board of education may appoint a treasurer who shall hold office until the first day of August following the next annual meeting. The person so elected or appointed treasurer shall, within ten days after notice of his election or appointment, execute a bond to the board of education in such amount as the board of education shall deem reasonable, with sufficient sureties, conditioned for the due and faithful discharge of his duties as treasurer. The form of such bond and the sufficiency of the sureties must be approved by the board of education. Such bond, when so executed and when approved by the board of education, shall immediately be filed with the clerk of the district. The treasurer shall receive, keep and disburse the moneys of the district under the direction of the board of education.

Treasurer continued in office.

Election of successors.

Removal.

Bond.

Duties.

§ 8. It shall be the duty of the city treasurer of the city of Geneva to collect all taxes that may be lawfully imposed or levied for school purposes in said district, and no collector of taxes, other than the said city treasurer, shall hereafter be appointed in said district.

City treasurer to collect taxes.

§ 9. The said city treasurer shall, on or before the fifteenth day of April, nineteen hundred and fourteen, and on or before the fifteenth day of August in each year thereafter, and before

Treasurer's bond as collector of taxes.

receiving the warrant for the collection of taxes for school purposes, execute a bond to the board of education in such amount as the board of education shall deem reasonable, but not to exceed the amount of the taxes to be raised in said district within the period of one year thereafter, with sufficient sureties, conditioned for the due and faithful performance of his duties as the collector of taxes for said district and that he will properly apply and account for all moneys and other property that may be received by him belonging to the said district. The form of such bond and the sufficiency of the sureties must be approved by the board of education. Such bond, when so executed and when approved by the board of education, shall immediately be filed with the clerk of the district.

Delivery  
of warrant  
for collec-  
tion of  
taxes.

Publica-  
tion of  
notice  
of collec-  
tion.

Percent-  
ages on  
taxes to  
be col-  
lected by  
city treas-  
urer.

§ 10. The warrant for the collection of taxes to be raised in said district shall be delivered to the city treasurer on the first day of September in each year, or as soon thereafter as may be practicable, except that in the year nineteen hundred and fourteen a warrant for the collection of the taxes voted at the meeting to be held in December, nineteen hundred and thirteen, shall be delivered to the city treasurer on the first day of May, nineteen hundred and fourteen, and a further warrant for the collection of the taxes voted at the meeting to be held in May of that year shall be so delivered to the city treasurer on the first day of September of that year or as soon thereafter as practicable. Immediately upon the delivery of such warrant to the city treasurer he shall publish a notice of the collection of the school taxes in the same manner in which he is required by statute to publish notice of the collection of the city taxes and it shall be his duty to attend at his office accordingly and to collect and receive the said school taxes.

§ 11. On all taxes authorized to be collected by such warrant of the board of education of the said district and paid within thirty days after the first publication of said notice the city treasurer shall collect one-half of one per centum additional and he shall collect in addition thereto one per centum for each month that any such tax may remain unpaid after the expiration of such thirty days. The city treasurer shall receive and retain such additional percentage, not exceeding in the case of any one person or corporation five per centum of the amount of the tax collected, for his own use and as compensation for his services in collecting the taxes of said district. The balance of such percentage, if any, shall be paid by him to the treasurer of the said district.



§ 12. It shall be the duty of the said city treasurer to pay over to the treasurer of the said district at the end of each week from the date of the publication of the before mentioned tax notice all moneys that he shall then have collected or received for such school taxes, after deducting the fees which he is hereby authorized to retain for his own use.

Payment over of moneys to district treasurer.

§ 13. The same proceedings shall be had for the collection and enforcement of school taxes in said district, the sale of property for school taxes and the redemption of property from such tax sales as are provided for the collection and enforcement of city taxes in the city of Geneva, the sale of property for city taxes and the redemption of property from such tax sales by sections one hundred and sixteen, one hundred and eighteen, one hundred and twenty-one to one hundred and thirty-five, both inclusive, and one hundred and thirty-eight of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended by chapter four hundred and sixty-one of the laws of nineteen hundred and five, so far as the same may be applicable, and except as is hereinafter provided. The warrant issued by the board of education for the collection of school taxes shall have the same force and effect throughout the said district as a warrant for the collection of city taxes would have in the city of Geneva if it had been issued by the common council of said city under the provisions of said sections.

Proceedings for collection and enforcement of taxes.

Effect of warrant issued by board of education.

§ 14. In the case of school taxes the word "city" in the before mentioned sections of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended, when used in a territorial sense, shall be deemed to mean the said school district, the word "city," when used in a corporate sense, and the words "common council" shall be deemed to mean the board of education of said district and the words "city clerk" shall be deemed to mean the clerk of said district.

Definitions.

§ 15. It shall not be necessary for the city clerk or the clerk of the district to countersign receipts for school taxes or to keep any account of such taxes.

Duties of city and district clerks.

§ 16. The transcript of unpaid taxes required to be delivered to the assessors by section one hundred and twenty-four of chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended, shall not be delivered, in the case of school taxes, until the fifteenth day of February next after any such tax shall have been imposed. The statement required by said

Unpaid taxes; times of performing duties.

section to be made by the assessors shall not be made, in the case of school taxes, until the fifteenth day of March. The time for the treasurer to advertise and sell lands on which school taxes have been imposed and which shall be unpaid shall be the first day of April, instead of the first day of October.

**State-  
ments by  
assessors.**      § 17. In the case of all lands in said district lying within the boundaries of the city of Geneva it shall be the duty of the assessors of the city of Geneva to furnish the statement hereinbefore mentioned, and in the case of all lands in said district lying outside of the boundaries of said city it shall be the duty of the assessors of the town of Geneva to furnish such statement.

**Saving  
clause.**      § 18. The passage of this act shall not affect or impair any act done or any right accruing, accrued or acquired, or any liability incurred, or affect the validity of any proceeding taken at any time before this act shall take effect, except as is expressly provided herein, and all such rights and liabilities may be asserted, enforced or prosecuted as fully and to the same extent as if this act had not been passed.

**Repeals.**      § 19. Of the laws enumerated in the schedule hereto annexed that portion specified in the last column is hereby repealed.

**In effect  
Sept. 1,  
1913.**      § 20. This act shall take effect on the first day of September, nineteen hundred and thirteen.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter	Section
1853 . . . . .	252 . . . . .	All
1855 . . . . .	357 . . . . .	All
1869 . . . . .	43 . . . . .	All
1870 . . . . .	9 . . . . .	All



## Chap. 428.

AN ACT to amend the code of criminal procedure, in relation to the jurisdiction of the county court of Richmond county to hear and determine crimes punishable with death.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision two of section thirty-nine of the code of criminal procedure is hereby amended to read as follows: § 39, subd. 2 amended.

2. To try and determine indictments found therein or sent thereto by the supreme court or by a city court in the county for crimes not punishable with death; and the county courts of Albany, Ulster, Kings and Richmond<sup>1</sup> counties shall also have jurisdiction to try and determine all such indictments, including those for crimes punishable with death.

§ 2. This act shall take effect September \*thirty-first, nineteen hundred and thirteen. In effect Sept. 31, 1913.

## Chap. 429.

AN ACT to amend the tax law, in relation to the salaries of transfer tax clerks in the surrogate's court, Monroe county.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision eight of section two hundred and thirty-four of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as amended by chapter seventy of the laws of nineteen hundred and ten, chapter one hundred and sixty of the laws of nineteen hundred and eleven, and chapters six hundred and eighty-one and seven hundred and forty-four of the laws of nineteen hundred and eleven,<sup>2</sup> is hereby amended to read as follows: L. 1909, ch. 62, § 234, subd. 8, as amended by L. 1910, ch. 70, and L. 1911, ch. 681, amended.

\* So in original.

<sup>1</sup> Inclusion of Richmond county new.

<sup>2</sup> L. 1911, chaps. 160, 744 do not amend subd. 8. Section 234 was also amended by L. 1912, ch. 45.

8. In Monroe county, two transfer tax clerks, one thousand dollars<sup>3</sup> each; and shall be entitled to expend not more than two hundred dollars a year for expenses necessarily incurred in the assessment and collection of taxes under this article.

§ 2. This act shall take effect immediately.

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### Chap. 430.

AN ACT to provide for deepening and widening of the channel of the Peconic river from Indian island to Riverhead town dock in the county of Suffolk, and making an appropriation therefor.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby appropriated, for the purpose of deepening and widening the channel of the Peconic river from Indian island to Riverhead town dock in the county of Suffolk; the work herein authorized shall be done under the direction of the superintendent of public works, by contract or otherwise, as shall be deemed by him to be for the best interests of the state.

§ 2. This act shall take effect immediately.

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### Chap. 431.

AN ACT to amend the insurance law, in relation to reports of assistants to the state fire marshal.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article ten-a of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insur-

§ 378  
added to  
L. 1909,  
ch. 33.

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<sup>3</sup> Formerly "seven hundred and fifty dollars."

ance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven and amended by chapter four hundred and fifty-three of the laws of nineteen hundred and twelve, is hereby amended by adding thereto a new section to be section three hundred and seventy-eight, to read as follows:

§ 378. **Reports of assistants to state fire marshal.** The municipal fire marshals, fire chiefs and all other assistants under this article shall report yearly between the first days of May and June, in detail the extent and condition of their respective fire departments, apparatus or stations, water supply and service, and any recommendation or suggestion which in their opinion would tend to increase the usefulness of their departments or decrease the fire hazards in their respective localities.

§ 2. This act shall take effect immediately.

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## Chap. 432.

AN ACT to amend the insurance law, in relation to assistants to the state fire marshal.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and fifty-three of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven, and amended by chapter four hundred and fifty-three of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

L. 1909,  
ch. 33,  
§ 353, as  
added by  
L. 1911,  
ch. 451, and  
amended by  
L. 1912,  
ch. 453,  
amended.

§ 353. **Assistant officers.** All municipal fire marshals in those municipalities having such officers, and, where no such officer exists, the chief of the fire department of every incorporated city or village in which a fire department is established, or fire district under and pursuant to the county law,<sup>1</sup> the president or

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<sup>1</sup> Words "or fire district under and pursuant to the county law," new.

like senior officer of each incorporated village in which no fire department exists, the chief of the fire department or like senior officer in an unincorporated village in which a fire department exists,<sup>2</sup> and the clerk of each organized town without the limits of any incorporated village or city, shall be, by virtue of such office so held by them, assistants to the state fire marshal and subject to the duties and obligations imposed by this article and shall be subject to the directions of the state fire marshal in the execution of the provisions hereof.

Immediately upon taking office the state fire marshal shall prepare instructions to the assistants designated herein and forms for their use in the reports required by this article and cause them to be printed and sent, together with a copy of this article, to each such officer located in this state. <sup>3</sup>Any officer referred to in this act who neglects to comply with any of the requirements hereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each neglect or violation and in default of the payment thereof shall be imprisoned not to exceed thirty days.

§ 2. This act shall take effect immediately.

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## Chap. 433.

AN ACT to amend the insurance law, in relation to reports by insurance companies of fire losses to the state fire marshal.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 33,  
§ 354, as  
added by  
L. 1911,  
ch. 451, and  
amended by  
L. 1912,  
ch. 453,  
amended.

Section 1. Section three hundred and fifty-four of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven and amended by chapter four hundred and fifty-three of the laws

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<sup>2</sup> Words "the chief of the fire department or like senior officer in an unincorporated village in which a fire department exists," new.

<sup>3</sup> Following sentence new.

of nineteen hundred and twelve, is hereby amended to read as follows:

§ 354. Duties of the assistants to the state fire marshal to investigate the cause and origin of all fires and explosions. The assistants to the state fire marshal as defined in the preceding section shall investigate the cause, origin and circumstances of every fire or explosion occurring in any city, village or town in this state by which life has been lost or property has been destroyed or damaged, and, so far as it is possible, determine whether the fire or explosion was the result of carelessness or design. Such investigation shall be begun immediately upon the occurrence of such fire or explosion by the assistant in whose territory it has occurred, and if it appears to the officer making such investigation that such fire is of suspicious origin or that such explosion has been caused by negligence or design, the state fire marshal shall be immediately notified of such fact. Every fire or explosion occurring in this state shall be reported in writing to the state fire marshal within fifteen days after the occurrence of the same by the officer designated in section three hundred and fifty-three of this article in whose jurisdiction such fire or explosion has occurred; such report shall be in the form prescribed by the state fire marshal and shall contain a statement of all facts relating to the cause and origin of such fire or explosion that can be ascertained, the loss of life or the extent of damage, the insurance upon the property damaged, and such other information as may be required.

<sup>1</sup>Every fire insurance company transacting business in this state is hereby required to report to the state fire marshal, through the secretary or other officer of the company designated by the board of directors for that purpose, all fire losses on property within this state, insured in such company, giving the date and location of fire, the amount of probable loss, the character of property destroyed or damaged, and the supposed cause of the fire. Such reports shall be mailed to the state fire marshal on or before the tenth day of each month as to all fires of which notice was received during the preceding month, and shall include, either in the first or subsequent monthly report, the amount of loss as adjusted. Provided, that in all cases where such company receives evidence or information indicating that any fire was of incendiary origin, report of such fire and of such evidence or information shall be

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<sup>1</sup> Remainder of section new.

immediately mailed to the state fire marshal. Such reports shall be in addition to and not in lieu of any report or reports such companies may be required to make by any law of the state to the superintendent of insurance or other state officer.

§ 2. This act shall take effect immediately.

## Chap. 434.

AN ACT to amend the insurance law, in relation to service of orders made by the state fire marshal.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 33,  
§ 356, as  
added by  
L. 1911,  
ch. 451, and  
amended by  
L. 1912,  
ch. 453,  
amended.

Section 1. Section three hundred and fifty-six of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-one of the laws of nineteen hundred and eleven and amended by chapter four hundred and fifty-three of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 356. **Duties of the state fire marshal and assistants to inspect other property.** The state fire marshal, his deputies or assistants, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure, which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire-alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition or for any other cause is especially liable to fire or to cause loss of life or damage to property, and whenever such officer shall find in any building or other premises any explosive materials or inflammable conditions dangerous to life or property, he or they shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner, lessee or occupant of such premises or buildings. If such order is made by any deputy or assistant to the state fire marshal such owner, lessee or occupant may, within five days, appeal to the state fire

marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be obeyed by such owner, lessee or occupant. Such owner, lessee or occupant may have the order or the final determination on an appeal of an order issued by the state fire marshal reviewed by a writ of certiorari in a court of competent jurisdiction provided proceedings for such review are begun within ten days after such order has been served or appeal finally determined.

The service of any such order shall be made upon the owner, lessee or<sup>1</sup> occupant of the premises to whom it is directed by either delivering a true copy of the same to such owner, lessee or<sup>1</sup> occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises; whenever it may be necessary to serve such an order upon the owner,<sup>2</sup> lessee or occupant<sup>3</sup> of premises such order may be served by either delivering to and leaving with the said person a true copy of the said order, or, if such owner, <sup>2</sup>lessee or occupant<sup>3</sup> is absent from the jurisdiction of the officer making the order, by mailing such copy to the last known post-office address of said owner,<sup>2</sup> lessee or occupant.<sup>3</sup>

Any owner, lessee or occupant failing to comply with such order within ten days after said appeal shall have been determined, or, if no appeal is taken, then within ten days after the service of the said order, shall be liable to a penalty of fifty dollars for each day's neglect thereafter.

The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the people of the state under the direction of the state fire marshal or any of his assistants herein designated, by an attorney specially designated therefor by the attorney-general or by an attorney designated by the state fire marshal.

Whenever an order has been served requiring the demolition of a building or other structure, or the removal of explosive materials therefrom as hereinbefore provided, and the owner, lessee or occupant thereof has failed to comply with such order or failed

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<sup>1</sup> Words "owner, lessee or," new.

<sup>2</sup> Word "or" omitted.

<sup>3</sup> Words "or occupant," new.



to apply to a court to review the order within the time herein specified, the state fire marshal may cause such building or other structure to be demolished or such explosive material to be removed and stored elsewhere or destroyed at the discretion of the state fire marshal and the expense incurred by the state fire marshal in such demolition or in the removal of explosive materials and also any penalty recovered, as provided for in this section, shall constitute a first lien upon the premises occupied by such building or structure or where such explosive material was stored.

Whenever an order has been served requiring the installation, alteration or repair of fire escapes or exits upon any building or structure in which numbers of persons work, live or congregate from time to time for any purpose, and the owner, lessee or occupant has failed to comply with said order within the time herein specified, the state fire marshal may, in addition to any other penalty mentioned in this article, prosecute such owner or occupant in the criminal courts, and upon conviction such owner, lessee or occupant shall be liable to punishment as for a misdemeanor.

§ 2. This act shall take effect immediately.

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## Chap. 435.

AN ACT to appropriate moneys for the objects and purposes of the commissioners of the state reservation at Saratoga, including the acquisition of additional property by such commissioners.

Became a law April 30, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the salary of the secretary and engineer appointed by the commissioners of the state reservation at Saratoga Springs; for the traveling expenses of such commissioners and secretary, printing and



incidental office expenses, legal expenses, service of attorneys, counsel, surveyors, engineers and scientific experts, of such commissioners; expenses necessary for the maintenance, repair, protection and improvement of the various properties which have been and will be acquired by such commissioners, including services of watchmen, insurance, examinations, investigations and reports on the property, expenses for the supervision and management of the same, expenses for the proper laying out of the state reservation at Saratoga Springs, with the surveys necessary, the construction of additions and structures necessary to the normal use of the property acquired, the removal of structures and materials; the purchase of such personal property as may be necessary to the proper conduct of the mineral water business; and for the expense of bottling waters to be sold. The moneys appropriated by the provisions of this section shall be paid out by the state treasurer upon the warrant of the comptroller to the order of the board known as "The commissioners of the state reservation at Saratoga Springs."

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§ 3. This act shall take effect immediately.

## Chap. 436.

AN ACT to amend the county law, in relation to the salary of the county judge of Franklin county.

Became a law May 1, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision sixteen of section two hundred and thirty-two of chapter sixteen of the laws of nineteen hundred and nine, entitled "An act in relation to counties, constituting chapter eleven of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 16,  
§ 232,  
subd. 16  
amended.

16. Franklin . . . . . 3,200.00<sup>1</sup>

\* \* \* \* \* Indicate omission of items disapproved by the governor. See constitution, art. 4, § 9.

<sup>1</sup> Formerly \$2000.

Subd. 66  
added to  
§ 232.

§ 2. Such section is hereby amended by adding thereto after subdivision sixty-five a new subdivision to be subdivision sixty-six, to read as follows:

Subd. 16  
in effect,  
when.

66. The salary provided in subdivision sixteen of this section for the county judge of the county of Franklin shall take effect upon the expiration of the term of the present incumbent and until the expiration of said term such officer shall receive the salary authorized by law on January first, nineteen hundred and thirteen.

§ 3. This act shall take effect immediately.

## Chap. 437.

AN ACT to amend the education law, relative to the establishment of scholarships for the aid of students in colleges.

Became a law May 1, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1910,  
ch. 140,  
§ 75, as  
added by  
L. 1913,  
ch. 292,  
amended.

Section 1. Section seventy-five of article three of chapter one hundred forty of the laws of nineteen hundred and ten,<sup>1</sup> entitled "An act to amend the education law generally," as amended<sup>2</sup> by chapter two hundred and ninety-two of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

§ 75. **Effect of certificate; payments thereon.** The certificate issued as provided in the preceding section shall entitle the person named therein to receive the sum of one hundred dollars each year for a period of four years to <sup>3</sup>aid such person in the completion of a college education. Such sum shall be paid by the state treasurer in two equal payments, one on October first and the other on March first out of the scholarship fund of the University of the State of New York, upon the warrant of the comptroller issued with the approval of the commissioner of education. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum

<sup>1</sup> L. 1910, ch. 140, generally amends L. 1909, ch. 21.

<sup>2</sup> Should read: "added."

<sup>3</sup> Remainder of sentence formerly read: "be applied in partial or entire payment of the annual tuition fee charged by the college named in such certificate for instruction in the course specified therein."

specified, either directly or for his or her benefit. The rules of the regents may prescribe conditions under which payments may be made direct to the college attended by the person named in such certificate, in behalf of and for the benefit of such person.

§ 2. This act shall take effect immediately.

## Chap. 438.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," in relation to the hearing of claims for exemption within the county of Queens.

Became a law May 1, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section nine of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," is hereby amended to read as follows: L. 1899,  
ch. 441, § 9  
amended.

§ 9. Immediately upon the receipt of the list mentioned in the last section, the commissioner of jurors must commence the preparation of the list of trial jurors in his county, and for that purpose the names of persons liable to serve as trial jurors must be entered in suitable books alphabetically with the occupation, places of business and residence of each as far as those particulars can be conveniently ascertained. Upon the completion of such list by the commissioner he shall give notice by mail to the persons named in said list, that their claims for exemption will be heard by him upon a day named in said notice, and he may also include in said notice such portions of the law relating to jurors as may seem to him proper and expedient. He must hear and determine all claims for exemption and must keep a record of all persons exempted, and the period of time for which exemption is allowed. Prepara-  
tion of  
trial jury  
list by  
commis-  
sioner.  
  
Notice to  
persons  
on list.  
  
Hearing of  
claims for  
exemp-  
tion.

<sup>1</sup>In the county of Queens the hearing of claims for exemption shall in the first instance be had in at least two convenient places Hearing of  
claims for  
exemp-  
tion in  
Queens  
county.

<sup>1</sup> Remainder of section new.

within the ward in which the persons named in said list reside, and the commissioner shall hold a sufficient number of evening sessions from seven o'clock to ten o'clock to permit such persons to appear and be heard. Any person who, after having been notified to attend, shall fail to appear at such hearing held within the ward in which he resides shall be heard at the office of the commissioner.

§ 2. This act shall take effect immediately.

## Chap. 439.

AN ACT to amend the code of civil procedure, in relation to powers of clerks to surrogates' courts.

Became a law May 1, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 2510  
amended.

Section 1. Section twenty-five hundred and ten of the code of civil procedure is hereby amended to read as follows:

§ 2510. **Additional powers of clerks of surrogates' courts.** The clerk of the surrogate's court, and in the county of Kings two other clerks, and in the county of Queens one other clerk<sup>1</sup> to be designated by the surrogate, in addition to the powers enumerated in section twenty-five hundred and nine, may exercise, concurrently with the surrogate of the county the following powers of the surrogate: On the return of a citation issued from such surrogate's court on a petition for the probate of a will, where no objection to the same is filed, or, where all of<sup>2</sup> the persons entitled to be cited, sign and verify the petition, or personally, or by attorney, appear on the probate thereof, cause the witnesses to the will to be examined before him. Such examination must be reduced to writing, and for such purpose, they are hereby authorized to administer and certify oaths and affirmations in such cases in the same manner and with the same effect as if administered and certified by the surrogate.

In effect  
Sept. 1,  
1913.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

<sup>1</sup> Words " and in the county of Queens one other clerk," new.

<sup>2</sup> Word " of " new.

## Chap. 440.

**AN ACT** to amend the education law, in relation to annual meetings of school districts.

Became a law May 1, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and ninety-four of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapters one hundred and forty and four hundred and forty-two of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909,  
ch. 21,  
§ 194, as  
amended by  
L. 1910,  
chaps. 140,  
442,  
amended.

§ 194. **Time and place of annual meeting.** The annual meeting of each school district shall be held on the first Tuesday of May in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the school-house at seven-thirty o'clock in the evening. If a district possesses more than one school-house, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no school-house, or if the school-house shall not be accessible, then the annual meeting shall be held at such place as a trustee, or, if there be no trustee, the clerk, shall designate in the notice. <sup>1</sup>Provided, however, that in union free school districts whose limits do not correspond with those of an incorporated city or village, and in which the number of children of school age exceeds three hundred, as shown by the last annual report of the board of education to the school commissioner, the board of education may at any regular meeting, by resolution duly adopted and entered upon its minutes, determine that the annual meeting of such union free school district shall be held on the first Tuesday in August; and thereafter until such determination shall be changed, such annual meeting shall be held on the first Tuesday in August of each year; and where any such district shall have heretofore or hereafter determined that the election of the members of the board of education shall be held on the Wednesday next following the day designated

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<sup>1</sup> Remainder of section new.

by law for holding the annual meeting of such district as provided by section three hundred and three of the education law, such election shall be held at the time so determined until such determination shall be changed.

§ 2. This act shall take effect immediately.

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## Chap. 441.

AN ACT to amend the executive law, in relation to authorizing the state treasurer to designate an employee in his office to sign receipts.

Became a law May 1, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 23, § 54  
amended.

Section 1. Section fifty-four of chapter twenty-three of the laws of nineteen hundred and nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consolidated laws," is hereby amended to read as follows:

§ 54. **Accountant and transfer officer; employee to sign receipts.**<sup>1</sup> The treasurer is authorized to designate from the employees of his office a person who shall act as an accountant and transfer officer in his department who shall give to the treasurer a bond in such penalty as he may deem secure, and who shall keep the books of the department, the records of, and have power to sign all transfers of securities required by law to be made by the superintendent of insurance and the superintendent of banks, and shall have power, in the absence of the treasurer and deputy, to sign receipts and indorse deposits. <sup>2</sup>The treasurer is also authorized to designate from the employees of his office a person who shall have power, in the absence of the treasurer and deputy, to sign receipts.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Words "employee to sign receipts," new.

<sup>2</sup> Following sentence new.

## Chap. 442.

AN ACT to amend the executive law, in relation to the duties of the attorney-general in actions involving the constitutionality of a statute.

Became a law May 2, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article six of chapter twenty-three of the laws of nineteen hundred and nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the consolidated laws," is hereby amended by adding thereto a new section, numbered sixty-eight, to read as follows:

§ 68  
added to  
L. 1909,  
ch. 23.

§ 68. **Attorney-general to appear in cases involving the constitutionality of an act of the legislature.** Whenever the constitutionality of a statute is brought into question upon the trial or hearing of any action or proceeding, civil or criminal, in any court of record of original or appellate jurisdiction, the court or justice before whom such action or proceeding is pending, may make an order, directing the party desiring to raise such question to serve notice thereof on the attorney-general and that the attorney-general be permitted to appear at any such trial or hearing in support of the constitutionality of such statute. The court or justice before whom any such action or proceeding is pending may also make such order upon the application of any party thereto, and the court shall make such order in any such action or proceeding upon motion of the attorney-general. When such order has been made in any manner herein mentioned it shall be the duty of the attorney-general to appear in such action or proceeding in support of the constitutionality of such statute.

§ 2. This act shall take effect immediately.



## Chap. 443.

AN ACT to amend the general business law, in relation to certified public accountants.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 25, § 80  
amended.

Section 1. Section eighty of chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended to read as follows:

§ 80. **Certified public accountants.** Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing or having a place for the regular transaction of business in the state, being over the age of twenty-one years and of good moral character, and who shall have received from the regents of the university a certificate of his qualifications to practice as a public expert accountant as hereinafter provided, shall be styled and known as a certified public accountant; and no other person shall assume such title, or use the abbreviation C. P. A. or any other words, letters, or figures, to indicate that the person using the same is such certified public accountant.<sup>1</sup> Any citizen of the United States who has practiced three years as a certified public accountant in another state, under a license or a certificate of his qualifications to so practice, issued by the proper authorities of such state, may, upon payment of the regular fee, in the discretion of the regents of the university, receive a certificate to practice as a certified public accountant without an examination. But he must possess the qualifications required by the rules of the regents of the university and must furnish satisfactory evidence of character and qualifications.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section new.

## Chap. 444.

AN ACT to amend the code of civil procedure, in relation to the legitimacy of children of parents whose marriage has been annulled or dissolved.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventeen hundred and forty-five of the code of civil procedure is hereby amended to read as follows: § 1745  
amended.

§ 1745. *Idem*; when former husband or wife was living. An action to annul a marriage, upon the ground that the former husband or wife of one of the parties was living, the former marriage being in force, may be maintained by either of the parties during the lifetime of the other, or by the former husband or wife. Where it appears, and the judgment determines, that the subsequent marriage was contracted by at least one of the parties thereto in good faith, and with the full belief that the former husband or wife was dead or that the former marriage had been annulled or dissolved,<sup>1</sup> or without any knowledge on the part of the innocent party of such former marriage, the issue of the subsequent marriage, born or begotten before the final judgment, are deemed for all purposes, the legitimate children of the parent, who at the time of the marriage was competent to contract, and are entitled to succeed as such, in the same manner as other legitimate children, to the real and personal estate of said parent; and the issue so entitled must be specified in the judgment, and the innocent party must be awarded their custody, and he or she is entitled to appoint a guardian of their persons by will.

This section shall be construed to extend to all cases where the judgment or decree of nullity of such subsequent marriage is rendered after the passage of this act, whether such subsequent marriage was contracted before or after the passage hereof.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Words "or that the former marriage had been annulled or dissolved," new.

## Chap. 445.

AN ACT to amend the code of civil procedure, in relation to the service of notices of appeals from judgments rendered in justice's courts.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 3047  
amended.

Section 1. Section three thousand and forty-seven of the code of civil procedure is hereby amended to read as follows:

§ 3047. **Service of notice upon justice; payment of costs and fee.** Service of the notice of appeal upon the justice, must be made by delivering it to him personally, or to his clerk, appointed pursuant to law, or by mailing such notice to the justice at his office in the manner prescribed \*by service of notice by mail in section seven hundred and ninety-seven of this act;<sup>1</sup> but if the justice is dead, or if neither he nor his clerk can, after reasonable diligence, be found within the county, service of the notice upon the justice may be made by delivering it to the clerk of the appellate court. Unless the justice is dead, the appellant must, at the time of serving the notice, pay to the person to whom it is delivered the costs of the action, included in the judgment, and the sum of two dollars, as the fee of the justice for making the return.

§ 3048  
amended.

§ 2. Section three thousand and forty-eight of such code is hereby amended to read as follows:

§ 3048. **Service of notice upon respondent.** Service of the notice of appeal upon the respondent may be made, by delivering it, in any part of the state, to the respondent personally, or in one of the following methods:

1.<sup>2</sup> By leaving it at his residence, with a person of suitable age and discretion or by serving the notice upon the respondent by mail, or in case an attorney appeared for respondent at the trial, the notice may be served upon the attorney, either personally, or in the manner prescribed for service of notice by mail in section seven hundred and ninety-seven of this act.

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\* So in original.

<sup>1</sup> Words "or by mailing such notice to the justice at his office in the manner prescribed by service of notice by mail in section seven hundred and ninety-seven of this act," new.

<sup>2</sup> Subd. 1 materially amended.

2. If service<sup>3</sup> cannot be made, with due diligence, upon the respondent,<sup>4</sup> in the manner<sup>5</sup> prescribed in the foregoing subdivision, the notice of appeal may be served upon him by delivering it to the clerk of the appellate court.

§ 3. This act shall take effect September first, nineteen hundred and thirteen. In effect  
Sept. 1,  
1913.

## Chap. 446.

AN ACT to amend the code of civil procedure, in relation to the place of trial of issues of fact triable by the court without a jury, in counties where no special terms are appointed for the trial of such cases.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section nine hundred and ninety of the code of civil procedure is hereby amended to read as follows: § 990  
amended.

§ 990. Issues of law and certain issues of fact;<sup>1</sup> where triable. An issue of law, or an issue of fact triable by the court without a jury, arising in a county where no special terms distinct from trial terms are appointed to be held for the trial of such cases,<sup>2</sup> may be tried at a special term<sup>3</sup> in any county within the judicial district embracing the county wherein the action is triable; but after the trial, the decision and all other papers relating to the trial must be filed, and the judgment rendered must be entered, in the last named county.

§ 2. This act shall take effect September first, nineteen hundred and thirteen. In effect  
Sept. 1,  
1913.

<sup>3</sup> Words "within the county" omitted.

<sup>4</sup> Words "personally, or" omitted.

<sup>5</sup> Word "manner" substituted for word "method."

<sup>1</sup> Words "and certain issues of fact," new.

<sup>2</sup> Words "or an issue of fact . . . trial of such cases," new.

<sup>3</sup> Words "at a special term," new.

## Chap. 447.

### AN ACT to amend the code of civil procedure, in relation to costs of an executor on a contest.<sup>1</sup>

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 2553,  
subd. 3  
amended.

Section 1. Subdivision three of section twenty-five hundred and fifty-eight of the code of civil procedure is hereby amended to read as follows:

Costs to  
unsuccessful con-  
testant  
of will.

3. When the decree is made upon a contested application for probate, or revocation of probate of a will, costs, payable out of the estate or otherwise, shall not be awarded to an unsuccessful contestant of the will, unless he is a special guardian for an infant, appointed by the surrogate, or is named as an executor in a paper propounded by him, in good faith, as the last will of the decedent;<sup>2</sup> but where a person named as the executor in a will propounds the will for probate<sup>3</sup> such person so named as executor may, whether successful or not,<sup>4</sup> in the discretion of the surrogate, be awarded costs and all necessary disbursements made by him and all expenses incurred in the attempt to sustain the will; but the surrogate may order a copy of the stenographer's minutes to be furnished to the contestant's counsel, and charge the expense thereof to the estate if he shall be satisfied that the contest is made in good faith.

Costs to  
executor.

Expense of  
stenogra-  
pher's  
minutes.

In effect  
Sept. 1,  
1913.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

<sup>1</sup> See *Dodd v. Anderson*, 197 N. Y. 466; *Matter of Waldron*, 74 Misc. 310.

<sup>2</sup> Words "in which case" omitted.

<sup>3</sup> Words "but where a person named as the executor in a will propounds the will for probate," new.

<sup>4</sup> Words "whether successful or not," new.

## Chap. 448.

AN ACT to amend the code of civil procedure, in relation to summary proceedings to dispossess persons occupying real property for a bawdy-house, place of assignation or for purposes of prostitution.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision five of section twenty-two hundred and thirty-one of the code of civil procedure is hereby amended so as to read as follows: § 2231, subd. 5 amended.

5. Where the demised premises, or any part thereof, are used or occupied as a bawdy-house, or house or place<sup>1</sup> of assignation for lewd persons, or for purposes of prostitution,<sup>2</sup> or for any illegal trade or manufacture, or other illegal business. Removal of tenant when premises used for certain purposes.

§ 2. Sections twenty-two hundred and thirty-five and twenty-two hundred and thirty-seven are hereby amended so as to read as follows: §§ 2235, 2237 amended.

§ 2235. Who can maintain proceedings. Contents of petition. The application may be made by the landlord or lessor of the demised premises; the purchaser upon the execution or foreclosure sale; the person forcibly put out or kept out; the person with whom, as owner, the agreement was made, or the owner of the property occupied under an agreement, to cultivate the property upon shares, or for a share of the crops; or the person lawfully entitled to the possession of the property intruded into or squatted upon, as the case requires; or by the legal representative, agent, or assignee of the landlord, purchaser, or other person, so entitled to apply; <sup>3</sup>or by the person or corporation authorized to proceed under section twenty-two hundred and thirty-seven of this act. The applicant must present to the judge or justice, a written petition, verified in like manner as a verified complaint in an action brought in the supreme court; describing the premises of which the possession is claimed, and the interest therein of the petitioner, or the person whom he represents; stating the facts,

<sup>1</sup> Words "or place," new.

<sup>2</sup> Words "or for purposes of prostitution," new.

<sup>3</sup> Remainder of sentence new.

which, according to the provisions of this title, authorize the application by the petitioner, and the removal of the person in possession; naming, or otherwise intelligibly designating, the person or persons against whom the special proceeding is instituted, and, if there are two or more such persons, and some are undertenants or assigns, specifying who are principals or tenants, and who are undertenants or assigns; and praying for a final order to remove him or them respectively.

§ 2237.<sup>4</sup> **Petition in case of bawdy-houses, etc.** An owner or tenant, including a tenant of one or more rooms of an apartment house or tenement house, of any premises within two hundred feet from other demised real property used or occupied in whole or in part, as a bawdy-house, or house, or place of assignation for lewd persons, or for purposes of prostitution, or any domestic corporation organized for the suppression of vice, subject to or which submits to visitation by the state board of charities, and possesses a certificate from such board of such fact and of conformity with its regulations, may serve personally upon the owner or landlord of the premises, so used or occupied, or upon his agent, a written notice, requiring the owner or landlord to make an application for the removal of the person so using or occupying the same. If the owner or landlord, or his agent, does not make such application, within five days thereafter; or, having made it, does not in good faith diligently prosecute it; the person or corporation giving the notice may make an application for such removal on a petition stating the jurisdictional facts, which application shall have the same effect, except as otherwise expressly prescribed in this title, as though the applicant were the owner or landlord of the premises, and shall have precedence over any similar application thereafter made by such owner or landlord or to one theretofore made by him and not prosecuted diligently and in good faith. Proof of the ill repute of the demised premises or of the inmates thereof or of those resorting thereto shall constitute presumptive evidence of the unlawful use of the demised premises, required to be stated in the petition for removal.

In effect  
Sept. 1,  
1913.

§ 3. This act shall take effect September first, nineteen hundred and thirteen.

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<sup>4</sup> Section 2237 materially amended.



## Chap. 449.

AN ACT to amend chapter two hundred and seventy-four of the laws of nineteen hundred and two, entitled "An act to authorize the holding of special terms of the supreme court in the cities of Jamestown and Olean," in relation to the holding of trial terms in the city of Olean.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one of chapter two hundred and seventy-four of the laws of nineteen hundred and two, entitled "An act to authorize the holding of special terms of the supreme court in the cities of Jamestown and Olean," as amended by chapter thirty-seven of the laws of nineteen hundred and eight, is hereby amended to read as follows:

L. 1902,  
ch. 274,  
§ 1, as  
amended by  
L. 1908,  
ch. 37,  
amended.

§ 1. The justices of the appellate division of the supreme court in the fourth judicial department may, in their discretion, in addition to the terms of the supreme court appointed by them to be held at the court houses in the counties of Chautauqua and Cattaraugus, appoint special terms of the supreme court, to be held as follows: At a designated place in the city of Jamestown and in the village of Fredonia, both in the county of Chautauqua; and in the city of Olean in the county of Cattaraugus, and assign justices to hold the same. <sup>1</sup>And they may also appoint a trial term with a jury to be held in the city of Olean, at the same time a special term is appointed to be held at said place. At such special terms all business may be transacted and cases tried and heard which do not require the attendance of a jury. <sup>2</sup>Whenever the appellate division shall appoint a trial term with a jury to be held at the city of Olean in conjunction with the special term appointed to be held in said city, the same preparation shall be made and the same procedure adopted for the organization and convening of said jury term, and all business may be transacted and all jury cases may be tried, and the same procedure required

Additional special terms at Jamestown, Fredonia and Olean.

Trial term at Olean.

<sup>1</sup> Following sentence new.

<sup>2</sup> Remainder of section new.

for the bringing on for trial causes to be tried at said term the same as if the term was designated to be held at the court house in said county.

§ 2. This act shall take effect immediately.

## Chap. 450.

AN ACT to amend section fifteen hundred and sixty-nine of the code of civil procedure, in relation to the payment of a gross sum in lieu of dower.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1569  
amended.

Gross sum  
to be paid  
in lieu of  
dower.

Section 1. Section fifteen hundred and sixty-nine of the code of civil procedure is hereby amended so as to read as follows:

§ 1569. A party to an action for partition, who has a right of dower, or is a tenant for life or for years, in or of an undivided share of the property sold, is entitled to receive, from the proceeds of the sale, a gross sum, to be fixed according to the principles of law applicable to annuities, in satisfaction of his or her estate or interest. The written consent of the party to receive such a gross sum, acknowledged or proved, and certified, in like manner as a deed to be recorded, must be filed, at the time of, or before, the filing of the report of sale; otherwise the court must direct that, out of the proceeds of the sale, which belong to the undivided share to which the estate or interest attaches, one-third, in case of dower, and in any other case arising under this section, the entire proceeds, or such a proportion thereof as fairly represents the interest of the holder of the particular estate, be paid into court, for the purpose of being invested for his or her benefit. <sup>1</sup>If it shall appear to the court that the tenant for life or for years, or the widow, is an infant, lunatic or otherwise incompetent, and that a general guardian or committee has been duly appointed, upon proof that it will be for the best interest and advantage of the estate of such infant, or lunatic or incompetent person, the court may authorize and direct such guardian or committee, in the name

Same  
where ten-  
ant or  
widow is  
an infant  
or incom-  
petent.

<sup>1</sup> Remainder of section new.

of such infant, lunatic or incompetent person, having such estate for life or years or dower right, to execute an instrument under seal, acknowledged or proved, and certified in like manner as a deed to be recorded, whereby such guardian or committee shall consent to accept in lieu of such estate or dower, a sum, to be ascertained by the court as above provided, according to the principles applicable to life annuities; and upon presentation of such an instrument to the court, the value of the estate for life or for years or dower so ascertained by it shall be paid to such guardian or committee. Such instrument shall have the same force and effect as a deed or instrument executed and acknowledged by a competent person or a person of full age.

§ 2. This act shall take effect September first, nineteen hundred and thirteen. In effect  
Sept. 1,  
1912.

## Chap. 451.

AN ACT to amend the banking law, in relation to examinations by boards of directors of banks and trust companies and reports thereof.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-three of chapter ten of the laws of nineteen hundred nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," is hereby amended to read as follows: L. 1909,  
ch. 10,  
§ 23  
amended

§ 23. **Books, papers and affairs to be examined.** It shall be the duty of the board of directors of every bank and trust company in the months of April and October in each year to examine or cause a committee of at least three of its members to examine fully into the books, papers and affairs of the bank or trust company of which they are directors,<sup>1</sup> into the loans and discounts thereof, and particularly into the loans or discounts made directly or indirectly to officers or directors thereof, or for the benefit of such officers or directors, or for the benefit of other

<sup>1</sup> Words "and particularly" omitted.

corporations of which such officers and directors are also officers or directors, or in which they have a beneficial interest as shareholders, creditors, or otherwise,<sup>2</sup> with the special view of ascertaining the value and security thereof, and of the collateral security, if any, given in connection therewith, and into such other matters as the superintendent of banks may require. Such directors shall have power to employ such assistance in making such examination as they may deem necessary. On or before the fifteenth day of the month succeeding such examination,<sup>3</sup> a report in writing thereof, sworn to by the directors making the same, shall be made to the board of directors of such bank or trust company, be placed on file in said bank or trust company, and a duplicate thereof filed in the banking department. <sup>4</sup>Such report shall particularly contain a statement of the assets and liabilities of the bank or trust company examined, as shown by the books of the bank or trust company, together with such deductions from the assets and the addition of such liabilities direct, indirect, contingent or otherwise, as such directors or committee, after such examination, may, find necessary in order to determine the true condition of the bank or trust company. <sup>5</sup>It shall also contain a statement showing in detail every liability to such bank or trust company, direct, indirect, contingent, or otherwise, of every officer or director thereof and of every corporation of which any such officer or director is also an officer or director, or in which corporation any such officer or director is beneficially interested as a shareholder, creditor, or otherwise. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security which in their opinion are insufficiently secure, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the insti-

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<sup>2</sup> Words "and particularly . . . creditors or otherwise," new.

<sup>3</sup> Sentence to here formerly read: "Within ten days after the completion of each of such examinations."

<sup>4</sup> Following sentence materially amended.

<sup>5</sup> Following sentence new.

tution. If the directors of any bank or trust company shall fail to make, or cause to be made, and file such report of examination in the manner, and within the time, specified, such bank or trust company shall forfeit to the people of the state one hundred dollars for every day such report shall be delayed, which penalty may be recovered through an action brought by the attorney-general against such bank or trust company, in the name of the people of the state of New York. The moneys forfeited by this section, when recovered, shall be paid into the state treasury, to be used to defray the expenses of the banking department.

§ 2. This act shall take effect immediately.

## Chap. 452.

AN ACT to repeal chapter three hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act to incorporate the Long Sault Development Company, and to authorize said company to construct and maintain dams, canals, power-houses and locks at or near Long Sault island, for the purpose of improving the navigation of the Saint Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," providing for the repayment to such company of certain moneys paid by it under such act and making an appropriation therefor.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter three hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act to incorporate the Long Sault Development Company, and to authorize said company to construct and maintain dams, canals, power-houses and locks at or near Long Sault island, for the purpose of improving the navigation of the Saint Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," is hereby repealed, upon the following grounds:

First. That chapter three hundred and fifty-five of the laws

L. 1907,  
ch. 355  
repealed.

Grounds  
for repeal

of nineteen hundred and seven is unconstitutional in that it contravenes section eighteen of article three of the state constitution, which provides that the legislature shall not pass a private or local bill granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Second. That the said act is unconstitutional in that it contravenes section seven of article seven of the state constitution, which provides that the lands of the state now owned or hereafter acquired, constituting the forest preserve, as now fixed by law, shall be forever kept as wild forest lands, and shall not be leased, sold or exchanged, or taken by any corporation, public or private.

Third. That the said act violates section sixteen of article three of the state constitution, which provides that no private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in its title.

Fourth. That the said act is invalid as being in excess of the powers of the legislature, in that it attempted to provide for the alienation of the state to the Long Sault Development Company of title to the land in the bed of the Saint Lawrence river. The title of the state in those lands is a sovereign right rather than a proprietary title. It is inconsistent with that right, which must be exercised for the benefit of the whole people, that the title to the bed of a navigable stream should be granted in fee to a private corporation.

Repay-  
ment of  
moneys  
paid to  
state by  
Long Sault  
Develop-  
ment Com-  
pany.

§ 2. The state comptroller is hereby authorized and directed to cause the repayment and return to the Long Sault Development Company of any and all sums paid by such company into the state treasury, under the provisions of section four of chapter three hundred and fifty-five of the laws of nineteen hundred and seven, with interest on said respective sums from the times of their several payments, upon securing proper vouchers therefor; such moneys to be paid out by the state treasurer upon the warrant of the comptroller from the moneys hereinafter appropriated therefor. Such company is continued in existence for the purposes only of receiving and giving proper vouchers for said moneys, making proper distribution or application thereof among its members or other persons entitled thereto, and the winding up of its affairs.

Appro-  
priation.

§ 3. The sum of thirty-six thousand three hundred and twenty

dollars (\$36,320), or so much thereof as may be necessary, is hereby appropriated out of moneys in the state treasury not otherwise appropriated for the purpose of making the payments provided for in this act.

§ 4. The enumeration in this act of the grounds for such repeal shall not be deemed to qualify or impair the full force and effect of the repeal.

Effect of enumeration of grounds of repeal.

§ 5. This act shall take effect immediately.

## Chap. 453.

AN ACT to confer jurisdiction upon the board of claims to hear, audit and determine the alleged claims, if any, which may be presented by the Long Sault Development Company against the state of New York by reason of the repeal by the legislature of chapter three hundred and fifty-five of the laws of nineteen hundred and seven.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Jurisdiction is hereby conferred upon the board of claims to hear, audit and determine the alleged claims, if any, which may be presented by the Long Sault Development Company against the state of New York by reason of the repeal by the legislature of chapter three hundred and fifty-five of the laws of nineteen hundred and seven, and the state hereby consents in all such claims to have its liability determined, provided that such alleged claims, if any, shall be filed with the board of claims within six months after this act takes effect. No award shall be made on any such claims against the state except upon such legal evidence as would establish a liability against an individual or corporation in a court of law or equity.

Jurisdiction conferred.

§ 2. Nothing herein contained shall be regarded as conceding the validity of any of such alleged claims upon the part of the state growing out of the enactment by the legislature of chapter three hundred and fifty-five of the laws of nineteen hundred and seven, and by the repeal of said statute, nor as waiving, on behalf of the state, any defense thereto.

Saving clause.

§ 3. This act shall take effect immediately.



## Chap. 454.

**AN ACT** to amend the business corporations law, in relation to co-operative corporations.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 12,  
art. 3,  
§§ 25, 26,  
renum-  
bered  
art. 4,  
§§ 50, 51.

New  
art. 3  
added.

Section 1. Article three and sections twenty-five and twenty-six of chapter twelve of the laws of nineteen hundred and nine, entitled "An act relating to business corporations, constituting chapter four of the consolidated laws," are hereby renumbered, respectively, article four and sections fifty and fifty-one thereof.

§ 2. Such chapter is hereby amended by inserting therein a new article, to be article three, to read as follows:

### ARTICLE 3.

#### CO-OPERATIVE CORPORATIONS.

Section 25. Definition.

26. Incorporation.

27. Application of corporate law.

28. Directors; officers.

29. Amendment of certificate.

30. Stock and stockholders.

31. Written vote of stockholders.

32. Subscription of stock in other corporations.

33. Purchasing business of other corporations or persons.

34. Earnings; dividends.

35. Dissolution.

36. Annual report.

37. Existing co-operative corporations or associations.

38. Corporate name.

§ 25. **Definition.** For the purposes of this article, the words "corporation," "company," "association," "exchange," "society" or "union" shall be synonymous.

§ 26. **Incorporation.** Five or more persons may become a co-operative corporation, company, association, exchange, society or

union for the purpose of conducting a general producing, manufacturing and merchandising business, on the co-operative plan as limited in this article, in articles of common use, including farm products, food supplies, farm machinery and supplies and articles of domestic and personal use, by making, signing, acknowledging and filing a certificate in the form and manner prescribed by article two of this chapter.

§ 27. **Application of corporate law.** The provisions of the business corporations law, the general corporation law and the stock corporation law shall apply to co-operative corporations formed under this article, except where such provisions are in conflict with this article.

§ 28. **Directors; officers.** Every such corporation shall be managed by a board of not less than five directors. The directors shall be elected by and from the stockholders at such time and for such term as the by-laws may prescribe, and shall hold office until their successors are elected, and shall enter upon the discharge of their duties. The officers of every such corporation shall be a president, one or more vice-presidents, a secretary and a treasurer, who shall be elected annually by the directors, and each of whom must be a director. The office of secretary and treasurer may be combined. A majority of the stockholders may, at any regular or special meeting, duly called, remove any director or officer for cause, and fill the vacancy.

§ 29. **Amendment of certificate.** The stockholders of any such corporation may, by a three-fourths vote, at any regular meeting, or at any special meeting called for that purpose on ten days' notice to the stockholders, amend its certificate of incorporation. The power to amend shall include the power to increase or diminish the amount of capital stock and the number of shares; but such amount shall not be diminished below the amount of paid-up capital at the time the amendment is adopted. The certificate of the action of such meeting shall be executed and filed in the manner prescribed by section sixty-four of the stock corporation law.

§ 30. **Stock and stockholders.** The capital stock of any such corporation shall be divided into shares of the par value of five dollars each. A stockholder in any such corporation shall not own shares of a greater aggregate par value than five thousand dollars, except as hereinafter provided. A stockholder shall be entitled to but one vote, without regard to the amount of stock

held by him. Certificates of stock shall not be issued to any subscriber until fully paid, but the by-laws of the corporation may allow subscribers to vote as stockholders, if part of the stock subscribed for has been paid for in cash. No stock shall be transferred without the written consent of the corporation indorsed on the certificate of stock. The corporation shall have the first right to purchase at par any stock of a stockholder offered for transfer or the stock of any deceased or retiring stockholder, or of any stockholder who shall have purchased of or sold to the corporation goods of the value of less than one hundred dollars in any one corporation year.

§ 31. **Written vote of stockholders.** At any regularly called general or special meeting of the stockholders the written vote of an absent stockholder signed by him shall be received and counted, provided he shall have been previously notified, in writing, of the exact motion or resolution upon which such vote is taken and a copy of the same is forwarded with and attached to his written vote.

§ 32. **Subscription of stock in other corporations.** At any duly called regular or special meeting at which at least a majority of the stockholders may be present or represented a co-operative corporation may, by a majority vote of the stockholders present or represented, subscribe for shares and invest its reserve fund to an amount not to exceed twenty-five per centum of its capital, in the capital stock of any other co-operative corporation.

§ 33. **Purchasing business of other corporations or persons.** Whenever a co-operative corporation shall purchase the business of another corporation, person or persons, it may pay for the same wholly or partly by the issue of shares of its capital stock to an amount which at par value would equal the fair market value of the business so purchased; and the transfer to the corporation of such business at such valuation shall be equivalent to payment in cash for the shares of the stock so purchased. No such purchase shall be made until the proposal therefor shall have been submitted by the directors to a meeting of the stockholders, together with an itemized inventory of assets and liabilities of the vendor, including the value of the good will as a separate item, and such proposal shall have been ratified by a vote of at least two-thirds of the total number of stockholders. If the cash value of such purchased business exceed one thousand dollars, the directors may hold the shares in excess of one thousand dollars in trust for the

vendor and dispose of the same to such persons, and within such times, as may be agreed upon, and pay the proceeds thereof as received from time to time to the former owner of such business.

§ 34. **Earnings; dividends.** The directors, subject to revision by the stockholders at any general or special meeting, shall apportion the net earnings by first paying dividends on the paid-up capital stock at a rate not exceeding six per centum per annum. They shall set aside not less than ten per centum of the net earnings for a reserve fund until the reserve fund shall equal thirty per centum of the paid-up capital stock. They shall also annually set aside five per centum of the net earnings for an educational fund to be used in teaching co-operation. The remainder of the net earnings shall be distributed by uniform dividend to members of the first class and members of the second class. Members of the first class shall include stockholders and employees. Members of the second class shall include non-stockholders who shall during any fiscal year do business with the corporation amounting to not less than one hundred dollars. Dividends shall be paid on purchases amounting to one hundred dollars and over from or by members and on the amount earned by each employee during the fiscal year. Members of the first class and employees shall be entitled to dividends at double the rate of dividends to which members of the second class shall be entitled. Dividends to non-shareholders may be credited on account of such non-shareholders, in the purchase of capital stock of the corporation. In productive corporations, including creameries, canneries, elevators, factories, and the like, dividends shall be calculated on raw material delivered instead of on goods purchased. If the corporation be both a selling and a productive concern, the dividends may be on both raw material delivered and on goods purchased.

The net earnings of such corporation shall be distributed at such times as the by-laws shall prescribe, but such distribution shall be made at least once every twelve months.

§ 35. **Dissolution.** If any such corporation, for five consecutive years, shall fail to declare a dividend upon the shares of its paid-up capital stock, five or more stockholders may present a petition to the supreme court of a county in which the principal office of the corporation is situated, praying for its dissolution upon such ground. If upon the hearing the allegations of the petition are found to be true, the court may adjudge such corporation dissolved.

§ 36. **Annual report.** Every co-operative corporation shall, annually, on or before the thirty-first day of October, make a report to the secretary of state, containing the name of the corporation, its principal place of business, and generally a statement as to its business, showing the total amount of business transacted, the number of stockholders, the amount of capital stock subscribed for and paid in, the total expenses of operation, the amount of indebtedness or liabilities, and its profits and losses.

§ 37. **Existing co-operative corporations and associations.** An existing co-operative corporation, company or association heretofore organized and doing business in this state may file with the secretary of state a written certificate signed and sworn to by the president and secretary to the fact that such corporation has, by a majority vote of its stockholders, decided to accept the provisions of this article, and thereupon such corporation shall be deemed to have abandoned its certificate filed under any other law and be subject to the provisions of this article.

§ 38. **Corporate name.** No corporation shall be formed under this article unless there be affixed or prefixed to the name thereof, as required by section six of the general corporation law, such word or words or abbreviation as will indicate that it is a corporation as distinguished from a natural person, firm or copartnership. No corporation hereafter organized under any general law other than this article shall use the term "co-operative" or any other derivative of the term "co-operate" as part of its corporate name.

§ 3. This act shall take effect immediately.

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## Chap. 455.

AN ACT to amend the agricultural law, in relation to adulterated milk.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 9, § 20,  
as amended  
by L. 1909,  
ch. 186,  
L. 1910,

Section 1. Section thirty of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as amended

by chapter one hundred and eighty-six of the laws of nineteen hundred and nine and chapter three hundred and forty-one of the laws of nineteen hundred and ten and chapters fifty-nine and six hundred and eight of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

ch. 341, and  
L. 1911,  
chaps. 59,  
608,  
amended.

§ 30. **Definitions.** The term "butter" when used in this article means the product of the dairy, usually known by that term, which is manufactured exclusively from pure, unadulterated milk or cream or both with or without salt or coloring matter; and the term "cheese" when used in this article, means the product of the dairy usually known by that term, which is manufactured exclusively from pure, unadulterated milk or cream, or both, and with or without coloring matter, salt, rennet, sage, olives, pimentos, walnuts, peanuts, tomatoes, celery salt or onions added thereto as a flavor. And provided further, that when manufactured by adding to the elemental product of the dairy, usually known by the term "cheese," and manufactured exclusively from pure unadulterated milk or cream or both, any pimentos, olives, walnuts, peanuts, celery salt, tomatoes, or onions, that the percentage of all such substances so added shall not exceed twenty-five per centum in bulk of the manufactured product.

The terms "oleomargarine," "butterine," "imitation of butter," or "imitation cheese" shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure or unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place of cream. The term "adulterated milk" when so used means:

1. Milk containing more than eighty-eight and one-half per centum of water or fluids.
2. Milk containing less than eleven and one-half per centum of milk solids.
3. Milk containing less than three per centum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.
5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.

corporations of which such officers and directors are also officers or directors, or in which they have a beneficial interest as shareholders, creditors, or otherwise,<sup>2</sup> with the special view of ascertaining the value and security thereof, and of the collateral security, if any, given in connection therewith, and into such other matters as the superintendent of banks may require. Such directors shall have power to employ such assistance in making such examination as they may deem necessary. On or before the fifteenth day of the month succeeding such examination,<sup>3</sup> a report in writing thereof, sworn to by the directors making the same, shall be made to the board of directors of such bank or trust company, be placed on file in said bank or trust company, and a duplicate thereof filed in the banking department. <sup>4</sup>Such report shall particularly contain a statement of the assets and liabilities of the bank or trust company examined, as shown by the books of the bank or trust company, together with such deductions from the assets and the addition of such liabilities direct, indirect, contingent or otherwise, as such directors or committee, after such examination, may, find necessary in order to determine the true condition of the bank or trust company. <sup>5</sup>It shall also contain a statement showing in detail every liability to such bank or trust company, direct, indirect, contingent, or otherwise, of every officer or director thereof and of every corporation of which any such officer or director is also an officer or director, or in which corporation any such officer or director is beneficially interested as a shareholder, creditor, or otherwise. It shall also contain a statement, in detail, of loans, if any, which in their opinion are worthless or doubtful, together with their reasons for so regarding them; also a statement of loans made on collateral security which in their opinion are insufficiently secure, giving in each case the amount of the loan, the name and market value of the collateral, if it has any market value, and, if not, a statement of that fact, and its actual value as nearly as possible. Such report shall also contain a statement of overdrafts, of the names and amounts of such as they consider worthless or doubtful, and a full statement of such other matters as affect the solvency and soundness of the insti-

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<sup>2</sup> Words "and particularly . . . creditors or otherwise," new.

<sup>3</sup> Sentence to here formerly read: "Within ten days after the completion of each of such examinations."

<sup>4</sup> Following sentence materially amended.

<sup>5</sup> Following sentence new.



tution. If the directors of any bank or trust company shall fail to make, or cause to be made, and file such report of examination in the manner, and within the time, specified, such bank or trust company shall forfeit to the people of the state one hundred dollars for every day such report shall be delayed, which penalty may be recovered through an action brought by the attorney-general against such bank or trust company, in the name of the people of the state of New York. The moneys forfeited by this section, when recovered, shall be paid into the state treasury, to be used to defray the expenses of the banking department.

§ 2. This act shall take effect immediately.

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## Chap. 452.

AN ACT to repeal chapter three hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act to incorporate the Long Sault Development Company, and to authorize said company to construct and maintain dams, canals, power-houses and locks at or near Long Sault island, for the purpose of improving the navigation of the Saint Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," providing for the repayment to such company of certain moneys paid by it under such act and making an appropriation therefor.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter three hundred and fifty-five of the laws of nineteen hundred and seven, entitled "An act to incorporate the Long Sault Development Company, and to authorize said company to construct and maintain dams, canals, power-houses and locks at or near Long Sault island, for the purpose of improving the navigation of the Saint Lawrence river and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," is hereby repealed, upon the following grounds:

First. That chapter three hundred and fifty-five of the laws

L. 1907,  
ch. 355  
repealed.

Grounds  
for repeal

sociation and corporation licensed under this article to receive, sell or offer for sale on commission within this state any kind of farm produce; except where such farm produce is sold for consumption and not for resale. This article shall not apply to the sale of farm produce at public auction by a duly licensed and bonded auctioneer, acting as the agent of another to whom such farm produce shall have been consigned; nor shall this article apply to seeds sold at retail.

2. The term farm produce shall include all agricultural, horticultural, vegetable and fruit products of the soil, and meats, poultry, eggs, dairy products, nuts and honey, but shall not include timber products, floricultural products, tea or coffee.

§ 283. **Sale of farm produce on commission; license therefor.** On and after August first, nineteen hundred and thirteen, no person, firm, exchange, association or corporation, shall receive, sell or offer for sale on commission within this state any kind of farm produce, without a license as provided in this article. Every person, firm, exchange, association and corporation in this state receiving farm produce for sale on commission shall, annually on or before June first, file an application with the commissioner of agriculture for a license to do a commission business in farm produce. Such applicant shall state the kind or kinds of farm produce which the applicant proposes to handle, the full name of the person, firm, exchange, association or corporation applying for such a license and if the applicant be a firm, exchange, corporation or association, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation, and the name of the local agent of the exchange or association and the city, town or village and street number at which the business is to be conducted. Such applicant shall further satisfy the commissioner of agriculture of his or its character, responsibility and good faith in seeking to carry on a commission business. The commissioner of agriculture shall thereupon issue to such applicant, on payment of ten dollars and the execution and delivery of a bond as hereinafter provided, a license entitling the applicant to conduct the business of receiving and selling farm produce on commission at the place named in the application until the first day of July next following.

§ 284. **Bond.** Before any such license shall be issued every applicant shall execute and deliver to the commissioner of agriculture a fidelity bond with satisfactory sureties in the sum of three

thousand dollars to secure the honest accounting to the consignor of the monies received by such commission merchant from the sale of the farm produce sold on commission, and the commissioner of agriculture may bring an action in any court of competent jurisdiction in the county in which is situated the place of business of the licensee, against the principal and sureties for the recovery of any monies so received and not honestly accounted for.

§ 285. **Power of the commissioner of agriculture to investigate.** The commissioner of agriculture or his assistants shall have power to investigate, upon the verified complaint of an interested person, the record of any person, firm, exchange, corporation or association applying for a license, or any transaction involving the solicitation, receipt, sale or attempted sale of farm produce on a commission basis, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to condition, quality or quantity of goods received or while in storage, the making of false statements as to market conditions, with intent to deceive, or the failure to make payment for goods received or other alleged injurious transactions; and for such purpose may examine at the place of business of the licensee, that portion of the ledgers, books of account, memoranda or other documents, relating to the transactions involved, of any commission merchant, and may take testimony therein under oath. When a consignor of farm produce fails to obtain satisfactory settlement in any transaction, after having notified the consignee, a certified complaint may be filed, at the expiration of ten days after such notification, with the commissioner of agriculture. The commissioner of agriculture shall attempt to secure an explanation or adjustment, failing this, within seven days he shall cause a copy thereof, together with a notice of a time and place for a hearing on such complaint, to be served personally, or by mail, upon such commission merchant. Such service shall be made at least seven days before the hearing, which shall be held in the city, village or township in which is situated the place of business of the licensee. At the time and place appointed for such hearing, the commissioner or his assistants shall hear the parties to such complaint, shall have power to administer an oath, and shall enter in the office of the commissioner of agriculture at Albany a decision either dismissing such complaint or specifying the facts which he deems established on

such hearing, and in case such facts are established as cause him to revoke such license, he shall bring an action on the bond within sixty days of the filing of such decision.

§ 286. **Granting and revoking licenses.** The commissioner of agriculture may decline to grant a license or may revoke a license already granted where he is satisfied of the existence of the following cases or any of them: 1. Where a money judgment has been entered against such commission merchant and upon which execution has been returned unsatisfied.

2. Where false charges have been imposed for handling or services rendered.

3. Where there has been a failure to account promptly and properly or to make settlements, with intent to defraud.

4. Where there have been false statements as to condition, quality or quantity of goods received or held for sale on commission when the same might be known on reasonable inspection.

5. Where there have been false or misleading statement or statements as to market conditions with intent to deceive.

6. Where there has been a combination or combinations to fix prices.

7. Where the commission merchant directly or indirectly purchases the goods for his own account without prior authority therefor or without notifying the consignor thereof.

§ 287. **Certiorari to review.** The action of the commissioner of agriculture in refusing to grant a license, or in revoking a license granted under this article, shall be subject to review by a writ of certiorari, and if such proceedings are begun, until the final determination of the proceedings and all appeals therefrom, the license of such commission merchant shall be deemed to be in full force and effect, provided the fee for such license shall have been paid and a bond given as herein required.

§ 288. **Report of sale to consignor.** Every commission merchant shall, upon the receipt of farm produce and as he handles and disposes of the same, make a record thereof, specifying the name and address of the consignor, the date of receipt, the kind and the quantity of such produce, the amount of goods sold, the selling price thereof and the items of expense connected therewith, and this record together with payment in settlement for said shipment shall be mailed to the consignor within forty-eight hours unless otherwise agreed.

§ 289. **Offenses.** Any person, firm, exchange, association or

corporation who shall receive or offer to receive, sell or offer to sell on commission within this state any kind of farm produce without a license except as in this chapter permitted and any person who being a commission merchant in farm produce shall (a) impose false charges for handling or services in connection with farm produce, or (b) fails to account for such farm produce promptly and properly and to make settlements therefor, with intent to defraud, or (c) shall make false or misleading statement or statements as to market conditions with intent to deceive, or (d) enter into any combination or combinations to fix prices, or (e) directly or indirectly purchases for his or its own account, goods received by him or it upon consignment without prior authority therefor from the consignor, or shall fail to promptly notify the consignor of such purchase on his or its own account, or (f) any person handling, shipping or selling farm produce who shall make false statements as to grade, condition, markings, quality or quantity of goods shipped, or packed in any manner, with intent to deceive, shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

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## Chap. 458.

AN ACT to amend the agricultural law, in relation to printing additional copies of reports of the New York Agricultural Experiment Station at Geneva.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by inserting therein a new section, to be section three hundred and seven-a, to read as follows:

§ 307-a. Additional copies of reports of experiment station. In addition to the number of copies otherwise required by law, the commissioner of agriculture may, with the approval of the governor, cause to be printed by the state printer such number of copies of any report of the New York Agricultural Experiment

§ 307a  
added to  
L. 1909,  
ch. 9.

Station at Geneva, heretofore or hereafter made, as he deems sufficient to meet the public demand therefor as provided by this section. The expense of printing such copies shall be paid for out of the appropriation for the legislative printing, at the prevailing rates, upon the audit of the comptroller. Such copies shall be delivered to the commissioner of agriculture and sold by him to the public at the actual cost thereof as determined by the audit of the comptroller.

§ 2. This act shall take effect immediately.

## Chap. 459.

AN ACT to amend the agricultural law, in relation to the receipt and apportionment of moneys for the promotion of agriculture.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 9,  
§ 310,  
as amended  
by L. 1912,  
ch. 73,  
amended.

Section 1. Section three hundred and ten of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," as amended by chapter seventy-three of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 310. **Receipt and apportionment of moneys for the promotion of agriculture.** All the moneys already appropriated, or hereafter appropriated, for the promotion of agriculture in any one year, and all the revenues which have been, or shall be received by the comptroller, and all the moneys received by him from the tax collected from racing associations pursuant to article twenty of the membership corporations law,<sup>1</sup> or hereafter otherwise collected from racing associations, corporations or clubs, shall constitute a fund, which shall be annually disbursed on behalf of the state for the promotion of agriculture and domestic arts, for the promotion of education along agricultural lines and for the promotion of the improvement of the breeding of cattle, sheep, horses and other domestic animals at the various fairs throughout the state, and shall be apportioned and distributed as

<sup>1</sup> Provision for collection of tax from racing associations was repealed by L. 1910, ch. 489.

hereinafter prescribed, among all the various county agricultural societies, the American institute of the city of New York, and among the other various town or other agricultural societies, or agricultural fair associations, or agricultural expositions, or agricultural clubs which have received moneys from the state and disbursed moneys for the state for such promotion, during either one of the three years, nineteen hundred and five, nineteen hundred and six, or nineteen hundred and seven, under and by virtue of section eighty-eight or eighty-nine of the agricultural law<sup>2</sup> as it then existed. Such apportionment and distribution shall be made by the commissioner of agriculture in the following manner: Of such moneys already appropriated, or hereafter appropriated, there shall be apportioned and distributed to such county agricultural societies, American institute of the city of New York, and such various town or other agricultural societies, or agricultural clubs, or agricultural fair associations, or agricultural expositions, hereinbefore mentioned, in proportion to the actual premiums paid during the previous year by such agricultural societies, agricultural fair associations, agricultural expositions, agricultural clubs, and the American institute of the city of New York, exclusive of the premiums paid for trials and tests of speed, skill and endurance of man or beast. No such American institute of the city of New York, or such county agricultural society, or such town or other agricultural society, or such agricultural fair association, or such agricultural exposition, or such agricultural club shall receive any more moneys under the provisions of this article in any one year, than it actually paid out in premiums the next preceding year, exclusive of the premiums paid for trials, or tests of speed, skill or endurance of man or beast, and in no event shall any such American institute of the city of New York, or such county agricultural society, or such town or other agricultural society, or such agricultural fair association, or such agricultural exposition, or such agricultural club receive under the provisions of this article, in any one year for premiums hereafter to be paid by any society, association, club or exposition, any sums of money exceeding four thousand dollars. Any such county agricultural society, town or other agricultural society, or agricultural club or fair association, or agricultural exposition, organized under the laws of the state of New York, which shall

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<sup>2</sup> L. 1893, ch. 338, §§ 88, 89; now superseded by L. 1909, ch. 9, §§ 310, 311.



fail or neglect to hold an annual fair, and file its annual report as provided by this article, with the commissioner of agriculture, as herein provided, for two consecutive years, shall forfeit all of its chartered rights, including any privileges or moneys it might thereafter otherwise be entitled to under the provisions of this article. Except that where the lands or property of any such agricultural society or association have been or may hereafter be taken or appropriated by the state of New York for use in connection with the construction of the barge canal, no such society or association whose lands or property has been or may be so taken or appropriated shall forfeit any of its rights or privileges, or any of the moneys it might otherwise be entitled to under the provisions of this article, unless such society or association shall fail or neglect to hold an annual fair and file its annual report as provided by this article for five consecutive years. All agricultural clubs, societies, agricultural fair associations, agricultural expositions, or the American institute of the city of New York, entitled to receive any portion of the moneys appropriated by the state, must hereafter on or before the fifteenth day of December in each year, file a statement, duly verified by the president and treasurer or secretary, showing the amount of premiums paid at the last annual fair, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast, which statement together with vouchers for moneys paid as premiums shall be filed in the office of the commissioner of agriculture, otherwise such society, fair association, exposition, club, or the American institute of the city of New York, shall forfeit its rights to participate in the distribution of such moneys for premiums paid for such year. No other agricultural society, now or hereafter organized which is not entitled to receive moneys under this section, except a county agricultural society, shall be entitled to receive any moneys under the provisions of this article, until it shall have first filed annual reports in the office of the commissioner of agriculture, as hereinbefore provided, and paid in actual cash premiums for agricultural, mechanical and domestic products at least four thousand five hundred dollars for one year or at least<sup>3</sup> fifteen hundred dollars a year for three consecutive years, exclusive of the premiums paid for trials, or tests of speed, skill or endurance of man or beast. When any such other agricultural society has filed such annual

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<sup>3</sup> Words "four thousand five hundred dollars for one year or at least," new.

reports and paid such premiums for one year or<sup>4</sup> three successive years as herein provided and to the satisfaction of the commissioner of agriculture, then the said commissioner of agriculture may thereafter allow such society to draw moneys under and by virtue of the provisions of this article. All such county agricultural societies, town or other agricultural societies, or fair associations, or agricultural expositions organized under the laws of the state of New York which have received moneys from the state for premiums paid for the promotion of agriculture and domestic arts, for the promotion of education along agricultural lines, or for the promotion of the improvement of the breeding of cattle, sheep, horses and other domestic animals, shall be deemed as agents for the state in disbursing such moneys and shall be entitled to be reimbursed for such moneys paid as provided in this article, from an annual appropriation which shall not be less than two hundred and fifty thousand dollars. Any agricultural society, agricultural club or agricultural exposition which shall knowingly permit any immoral, lewd, obscene or indecent show or exhibition, use, or knowingly permit the use of, any gambling device, device, instrument or contrivance in the operation of which bets are laid or wagers made, wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during, an annual meeting, fair or exhibition, shall thereupon forfeit its rights to any moneys it would or might be entitled to receive under the provisions of this article; and it shall be the duty of the president and secretary or treasurer of every agricultural society, agricultural club, or agricultural exposition entitled to receive money under the provisions of this article, to certify, in its annual report to the commissioner of agriculture, executed under oath, on or before the fifteenth day of December, in each year, that at the last annual meeting, fair or exhibition held by or under the direction of such society, club or exposition, it did not knowingly permit any immoral, lewd, obscene or indecent show or exhibition by whatever name known, or use or knowingly permit the use of, any gambling device, device, instrument or contrivance in the operation of which bets were laid or wagers made, any wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during such last annual meeting, fair or exhibition, which report shall be filed in the office of the commissioner of agriculture. If

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<sup>4</sup> Words "one year or," new.

the president and secretary or treasurer of any agricultural society, agricultural club or agricultural exposition, entitled to receive moneys under the provisions of this article, shall neglect or refuse to make and file such certificates, such society, club or exposition shall thereupon be deemed to have forfeited all its rights to any moneys it might otherwise be entitled to receive under this article for such year, but this shall not be construed to prohibit horse racing, or tests or trials of skill.

§ 2. This act shall take effect immediately.

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## Chap. 460.

AN ACT to amend the agricultural law, in relation to almshouse farms.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 12a  
added to  
L. 1909,  
ch. 9.

Section 1. Chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," is hereby amended by adding thereto a new section, to be section twelve-a, to read as follows:

§ 12-a. **Almshouse farms.** The commissioner of agriculture is hereby empowered and authorized to make or cause to be made investigation and examination as to the farm lands at the almshouse farms of the various counties, the purposes to which they are best adapted and the crops which can most profitably be raised thereon, and to make report on the same to the boards of supervisors of the said counties; and to give lectures and demonstrations at least once each year at said almshouse upon the agricultural methods best adaptable to the various communities, sufficient notice of such lectures and demonstrations being given throughout all parts of the county. The commissioner of agriculture may assign members of the staff of the New York experiment station at Geneva, members of the faculties of the New York college of agriculture and of the various state schools of agriculture, subject to the approval of the directors thereof, to carry out the provisions of this section under his direction.

§ 2. This act shall take effect immediately.

## Chap. 461.

AN ACT to amend the labor law, in relation to fire-escapes and exits in existing factories; the future construction of factory buildings; and the limitation of the number of occupants in factories.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article six of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended by inserting therein, after section seventy-nine, six new sections, to be sections seventy-nine-a, seventy-nine-b, seventy-nine-c, seventy-nine-d, seventy-nine-e and seventy-nine-f, to read as follows:

§§ 79a-79f  
added to  
L. 1909,  
ch. 36.

§ 79-a. Construction of factory buildings hereafter erected. No factory shall be conducted in any building hereafter erected more than one story in height unless such building shall conform to the following requirements:

1. All buildings more than four stories in height shall be of fireproof construction. The roofs of all buildings shall be covered with incombustible material or shall be of tar and slag or plastic cement supported by or applied to arches of fireproof material, and the cornices shall be constructed of incombustible material. All exterior walls within twenty-five feet of any non-fireproof building shall be not less than eight inches thick and shall extend three feet above the roof.

2. Floor area and required exits. The term floor area as used in this section signifies the entire space between fire walls, or between a fire wall and an exterior wall of a building, or between the exterior walls of the building where there is no intervening fire wall. From every floor area there shall be not less than two means of exit remote from each other, one of which on every floor above the ground floor shall be an interior enclosed fireproof stairway or an exterior enclosed fireproof stairway, and the other shall be such a stairway or a horizontal exit. No point in any floor area shall be more than one hundred feet distant from the entrance to one such means of exit. When-

ever any floor area exceeds five thousand square feet there shall be provided at least one additional means of exit as hereinbefore described for each five thousand square feet or part thereof in excess of five thousand square feet. In every building over one hundred feet in height there shall be at least one exterior enclosed fireproof stairway which shall be accessible from any point in the building.

3. Stairways. All stairways shall be constructed of incombustible material and shall have an unobstructed width of at least forty-four inches throughout their length, except that hand rails may project not more than three and one-half inches into such width. There shall be not more than twelve feet six inches in height between successive landings. The treads shall be not less than ten inches wide exclusive of nosing, and the rise shall be not more than seven and three-fourths inches. No stairway with "winders" shall be allowed except as a connection from one floor to another. The treads shall be constructed and maintained in such manner as to prevent persons from slipping thereon. Every stairway shall be enclosed on all sides by fireproof partitions extending continuously from the lowest story to which such stairway extends to three feet above the roof and the roof of the enclosure shall be constructed of fireproof material at least four inches thick with a skylight at least three-fourths the area of the shaft. All stairways serving as required means of exit shall extend to the roof and shall lead continuously to the street or to a fireproof passageway independent of other means of exit from the building, opening on a road or street, or to an open area affording unobstructed passage to a road or street. All stairways that extend to the top story shall be continued to the roof. Provision shall be made for the adequate lighting of all stairways by artificial light.

4. Doors and doorways. All doors shall open outwardly. The width of the hallways and exit doors leading to the street, at the street-level, shall be not less than the aggregate width of all stairways leading to them. Every door leading to or opening on a stairway shall have an unobstructed width of at least forty-four inches.

5. Partitions. All partitions in the interior of buildings of fireproof construction shall be of incombustible material.

6. Openings to be enclosed. All elevator and dumb-waiter shafts, vent and light shafts, pipe and duct shafts, hoistways and

all other vertical openings leading from one floor to another shall be enclosed throughout their height on all sides by enclosures of fireproof material. Every such enclosure shall have a roof of fireproof material and if the enclosure extends to the top story it shall be continued to three feet above the roof of the building and shall have at the top a skylight in a metal frame at least three-fourths of the area of the shaft or exterior window with metal frame and sash. The bottom of the enclosure shall be of fireproof material unless the opening extends to the cellar bottom. All openings in such enclosures shall be provided with fireproof doors, except that openings in the enclosures of vent and light shafts shall be provided either with fireproof doors or with windows having metal frames and sash and wired glass where glass is used.

§ 79-b. **Requirements for existing buildings.** No factory shall be conducted in any building heretofore erected unless such building shall conform to the following requirements:

1. **Required exits.** Every building over two stories in height shall be provided on each floor with at least two means of exit or escape from fire, remote from each other, one of which on every floor above the ground floor shall lead to or open on an interior stairway which in buildings over four stories in height shall be enclosed as hereinafter provided, or to an exterior enclosed fireproof stairway. The other shall lead to such a stairway; or to a horizontal exit; or to an exterior screened stairway; or when, in the opinion of the industrial board the safety of the occupants of the building would not be endangered thereby, to fire-escapes on the outside of the building. No point on any floor of such factory shall be more than one hundred feet distant from the entrance to one such means of exit. Whenever egress may be had from the roof to an adjoining or near-by structure, every stairway serving as a required means of exit shall be extended to the roof. All such stairways shall extend to the first story and lead to the street, or to an unobstructed passageway leading to a street or road or to an open area affording safe passage to a street or road.

2. **Stairway enclosures.** All interior stairways serving as required means of exit in buildings more than four stories in height and the landings, platforms and passageways connected therewith shall be enclosed on all sides by partitions of fire resisting material extending continuously from the basement. Where the stairway extends to the top floor of the building such partitions



shall extend to three feet above the roof. All openings in such partitions shall be provided with self closing doors constructed of fire resisting material except where such openings are in the exterior wall of the building. All such partitions and the doors provided for the openings therein shall be constructed in such manner as the industrial board may prescribe by its rules and regulations. Whenever, in the case of any existing buildings not over six stories in height, the industrial board shall find that the requirements of this and the last preceding subdivision relating to stairway enclosures can be dispensed with or modified without endangering the safety of persons employed in such buildings, the industrial board shall have power to adopt such rules and regulations as may, in its opinion, meet the conditions existing in such buildings, which rules and regulations may make said requirements inapplicable or modify the same in such manner as it may find to be adapted to securing the safety of persons employed therein. The industrial board shall have power to adopt rules and regulations permitting, under conditions therein prescribed, as a substitute for the stairway enclosures herein required the use of partitions heretofore constructed in such manner and of such fire resisting material as have heretofore been approved by the local authorities exercising supervision over the construction and alteration of buildings. In such cases, however, every opening in the enclosing partitions shall be provided with fire doors.

3. Doors. Where five or more persons are employed on any floor of a factory building every door on such floor leading to or opening on any means of exit shall open outwardly or be double swinging doors. All exit doors in the first story, including the doors of the vestibule, shall open outwardly.

4. Fire-escapes. All outside fire-escapes shall be constructed of wrought iron or steel and shall be so designed, constructed and erected as to safely sustain on all platforms, balconies and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four. Wherever practicable, a continuous run or straight run stairway shall be used. On every floor above the first there shall be balconies or landings embracing one or more easily accessible and unobstructed openings at each floor level, connected with each other and with the ground by means of a stairway constructed as hereinafter provided and well fastened and secured. All openings leading to outside fire-escapes shall



have an unobstructed width of at least two feet and an unobstructed height of at least six feet and shall extend to the floor level or within six inches thereof, and shall be not more than seven inches above the floor of the fire-escape balcony. Such openings shall have metal frames and be provided with doors constructed of fireproof material with wired glass where glass is used. All windows opening upon the course of the fire-escape shall be fireproof windows. The balconies shall have an unobstructed width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen inches wide throughout except where the stairways reach and leave the balconies at the ends or where double run stairways are used. The stairway opening of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height thoroughly and properly braced. The balconies shall be connected by stairways not less than twenty-two inches wide placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a hand-rail not less than three feet in height. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four. There shall be a similar stairway from the top floor balcony to the roof, except where the fire-escape is erected on the front of the building. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall remain down permanently or be arranged to swing up and down automatically by counterbalancing weights. When not erected on the front of the building, safe and unobstructed egress shall be provided from the foot of the fire-escape by means of an open court or courts or a fireproof passageway having an unobstructed width of at least three feet throughout leading to the street, or by means of an open area having communication with the street; such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to ensure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

5. The provisions of subdivision four shall not apply where at the time this act takes effect there are outside fire-escapes with balconies on each floor of the building connected with stairways placed at an angle of not more than sixty degrees, provided that such existing outside fire-escapes have or shall be provided with the following:

A stairway leading from the top floor balcony to the roof, except where the fire-escapes are erected on the front of the building; a stairway not less than twenty-two inches wide from the lowest balcony to a safe landing place beneath, which stairway remains down permanently or is arranged to swing up and down by counter-balancing weights; a safe and unobstructed exit to the street from the foot of such fire escapes as provided in subdivision four hereof; steps connecting the sill of every opening leading to the fire-escapes with the floor wherever such sill is more than three feet above the floor level; and all openings leading to the fire escapes provided with windows having metal frames and sash and with wired glass where glass is used, or with doors constructed in accordance with the requirements of subdivision four; and all windows opening upon the course of the fire-escape provided with fireproof windows.

§ 79-c. **Additional requirements common to buildings heretofore and hereafter erected.** No factory shall be conducted in any building unless such building shall be so constructed, equipped and maintained in all respects as to afford adequate protection against fire to all persons employed therein, nor unless, in addition to the requirements of section seventy-nine-a in the case of a building hereafter erected or of section seventy-nine-b in the case of a building heretofore erected, such building shall conform to the following requirements:

1. **Stairways.** Stairways shall be provided with proper and substantial hand-rails. Where the stairway is enclosed by fireproof partitions the bottom of the enclosure shall be of fireproof material at least four inches thick unless the fireproof partitions extend to the cellar bottom. All stairways that extend to the top story shall be continued to the roof.

2. **Doors and windows.** No door, window or other opening on any floor of a factory building shall be obstructed by stationary metal bars, grating or wire mesh. Metal bars, grating or wire mesh provided for any such door, window or other opening shall be so constructed as to be readily movable or removable from both

sides in such manner as to afford the free and unobstructed use of such door, window or other opening as a means of egress in case of need and they shall be left unlocked during working hours. Every door opening on a stairway or other means of exit shall so open as not to obstruct the passageway. A clearly painted sign marked "exit" in letters not less than eight inches in height shall be placed over all exits leading to stairways and other means of egress, and in addition a red light shall be placed over all such exits for use in time of darkness.

3. Access to exits. There shall at all times be maintained continuous, safe, unobstructed passageways on each floor of the building, with an unobstructed width of at least three feet throughout their length leading directly to every means of egress, including outside fire-escapes and passenger elevators. All means of egress shall be maintained in an unobstructed condition. No door leading into or out of any factory or any floor thereof shall be locked, bolted or fastened during working hours.

4. Regulation by industrial board. The industrial board shall have power to adopt rules and regulations and establish requirements and standards for construction, equipment and maintenance of factory buildings or of particular classes of factory buildings and the means and adequacy of exit therefrom in order to carry out the purposes of this chapter in addition to the requirements of this section and of sections seventy-nine-a and seventy-nine-b, and not inconsistent therewith.

§ 79-d. Effect of foregoing provisions; inspection of buildings and approval of plans. 1. Effect of foregoing provisions. The requirements of sections seventy-nine-a, seventy-nine-b and seventy-nine-c are not in substitution for the requirements of any general or special law or local ordinance relating to the construction, equipment or maintenance of buildings, but the provisions of such general and special laws and local ordinances shall be observed as well as the provisions of said sections. The provisions of sections seventy-nine-a, seventy-nine-b and seventy-nine-c shall supersede all provisions inconsistent therewith in any special law or local ordinance, and any provision of law or ordinance which gives power to any officer to establish requirements inconsistent with the provisions of such sections or the rules and regulations adopted by the industrial board under the provisions of this article.

2. Inspection of buildings. The officer of any city, village or

town having power to inspect buildings therein for the purpose of determining their conformity to the requirements of law or ordinance governing the construction thereof, shall, whenever requested by the commissioner of labor, inspect any factory building therein and certify to the commissioner of labor in detail whether or not such building conforms to the requirements of this chapter and the rules and regulations of the industrial board, and such certificate shall be filed in the office of the commissioner of labor and shall be presumptive evidence of the truth of the matters therein stated.

3. Approval of plans. Before construction or alteration of a building in which it is intended to conduct one or more factories, the plans and specifications for such construction or alteration may be submitted to the commissioner of labor and filed in his office in such form and with such information as may be required by him or by the rules and regulations of the industrial board, and if such plans and specifications comply with the requirements of this chapter and the rules and regulations of the industrial board, he shall issue his certificate approving the same, which certificate shall bear the date when issued. Whenever any certificate shall be issued by the commissioner of labor under this section the particulars of such certificate shall be recorded and indexed in the records of his office. Before issuing any such certificate the commissioner of labor may request the officer of the city, village or town in which such building is located having power to examine and pass upon plans for construction of buildings with reference to their conformity to the requirements of law or ordinance governing the construction thereof, to examine such plans and specifications and to certify to the commissioner of labor whether or not such plans and specifications conform to the requirements of this chapter and the rules and regulations of the industrial board, and such officer shall thereupon make such examination and so certify in detail to the commissioner of labor and such certificate shall be filed in the office of the commissioner of labor and shall be presumptive evidence of the truth of the matters therein stated.

4. Certificate of compliance. After such construction or alteration shall be completed, the commissioner of labor shall, when requested by the owner or person filing such plans, ascertain by inspection or in the manner provided in subdivision two of this section, whether such building conforms to the requirements

of this chapter and the rules and regulations of the industrial board; and if he finds that it does conform thereto, shall issue his certificate to that effect, which shall bear the date when issued.

§ 79-a. **Limitation of number of occupants.** The number of persons who may occupy any factory building or portion thereof above the ground floor shall be limited to such a number as can safely escape from such building by the means of exit provided in the building.

1. In buildings hereafter erected no more than fourteen persons shall be employed or permitted or suffered to work on any one floor for every full twenty-two inches in width of stairway conforming to the requirements for a required means of exit except as to extension to the roof, provided for such floor. No allowance shall be made for any excess in width of less than twenty-two inches.

2. In buildings heretofore erected no more than fourteen persons shall be employed or permitted or suffered to work on any one floor for every eighteen inches in width of stairway provided for such floor and conforming to the requirements for a required means of exit except as to extension to the roof, and for any excess in width of less than eighteen inches, a proportionate increase in the number of occupants shall be allowed. Where the industrial board shall find that the safety of the occupants of any such building will not be endangered thereby, it may allow an increase in the number of occupants of any floor in such building to a number not greater than at the rate of twenty persons for every eighteen inches in width of such stairway provided for such floor, with a proportionate increase in the number of occupants for any excess in width of less than eighteen inches.

3. In any building for every additional sixteen inches over ten feet in height between two floors, one additional person may be employed on the upper of such floors for every eighteen inches in width of stairway leading therefrom to the lower of such floors in buildings heretofore erected, and one for every twenty-two inches in width of such stairway in buildings hereafter erected, provided that such stairways conform to the requirements for required means of exit except as to extension to the roof.

4. In any building, if any stairway has steps of the type known as "winders," a deduction of ten per centum shall be made in counting the capacity of such stairway.

5. In any building where the stairways and stairhalls are en-

closed in fireproof partitions or where, at the time this act takes effect, the stairways and stairhalls are enclosed in partitions of brick, concrete, terra-cotta blocks or reinforced concrete constructed in a manner heretofore approved by the superintendent of buildings of the city of New York having jurisdiction if in such city, or elsewhere in the state, in a manner conforming to the rules and regulations to be adopted by the industrial board under the provisions of subdivision two of section seventy-nine-b, all openings in which enclosing partitions are or shall hereafter be provided with fireproof doors, in either of such cases so many additional persons may be employed on any floor as can occupy the enclosed stairhall or halls on that floor, allowing five square feet of unobstructed floor space per person.

6. In any building where a horizontal exit is provided on any floor such number of persons may be employed on such floor as can occupy the smaller of the two spaces on such floor on either side of the fireproof partitions or fire walls, or as can occupy the floor of an adjoining or near-by building which is connected with such floor by openings in the wall or walls between the buildings or by exterior balconies or bridges, in addition to the occupants of such connected floor in such adjoining or near-by building, allowing five square feet of unobstructed floor space per person, provided that the partitions or walls or balconies through which the horizontal exit is provided to such other portion of the same building or to such adjoining or near-by building shall have doorways of sufficient width to allow eighteen inches in width of opening for each fifty persons or fraction thereof so permitted to be employed on such floor in the case of horizontal exits heretofore constructed and twenty-two inches in the case of horizontal exits hereafter constructed.

7. In any building heretofore erected of fireproof construction, where any floor is subdivided by partitions of brick, terra cotta or concrete not less than four inches thick extending continuously from the fireproofing of the floor to the underside of the fireproofing of the floor above, with all openings protected by fireproof doors not less than forty-four inches nor more than sixty-six inches in width, and in which all the windows on such floor and on the two floors directly underneath are fireproof windows, such number of persons may be employed on such floor as can occupy the smaller of the two spaces on either side of such partitions, allowing five square feet of unobstructed floor space per person, provided



there shall be on each side of said partitions at least one stairway conforming to the requirements for a required means of exit; and provided further that such partitions have doorways of sufficient width to allow eighteen inches in width of openings for each fifty persons or fraction thereof so permitted to occupy such floor, and that such doorways shall be kept unlocked and unobstructed during working hours. The provisions of this subdivision shall apply to any fireproof building heretofore erected which may hereafter be made to conform to the requirements of this section.

8. In any building the number of persons permitted to be employed on any one floor under the provisions of subdivisions one, two and three of this section may be increased fifty per centum where there is constructed, installed and maintained throughout the building an automatic sprinkler system conforming to the requirements of section eighty-three-b of this chapter and to the rules and regulations of the industrial board.

9. In any building, the number of persons who may be employed on any one floor shall in no event exceed such number as can occupy such floor, allowing thirty-six square feet of floor space per person if the building is not of fireproof construction, and thirty-two square feet of floor space per person if the building is of fireproof construction.

10. Where one floor is occupied by more than one tenant, the industrial board shall have power to make rules and regulations prescribing how many of the persons allowed to occupy such floor under the provisions of this section, may occupy the space of each tenant.

11. Posting. In every factory, two stories or over in height, the commissioner of labor shall cause to be posted notices specifying the number of persons that may occupy each floor thereof in accordance with the provisions of this section. Every such notice shall be posted in a conspicuous place in every stairhall and workroom. If any one floor is occupied by more than one tenant, such notices shall be posted in the space occupied by each tenant, and shall state the number of persons that may occupy such space. Every such notice shall bear the date when posted.

§ 79-f. **Meaning of terms.** The following terms when used in this article shall have the following meaning:

1. **Fireproof construction.** A building shall be deemed to be of fireproof construction if it conforms to the following requirements: All walls constructed of brick, stone, concrete or terra



cotta; all floors and roofs of brick, terra-cotta or reinforced concrete placed between steel or reinforced concrete beams and girders; all the steel entering into the structural parts encased in at least two inches of fireproof material, excepting the wall columns, which must be encased in at least eight inches of masonry on the outside and four inches on the inside; all stairwells, elevator wells, public hallways and corridors enclosed by fireproof partitions; all doors, fireproof; all stairways, landings, hallways and other floor surfaces of incombustible material; no woodwork or other combustible material used in any partition, furring, ceiling or floor; and all window frames, doors and sash, trim and other interior finish of incombustible material; all windows shall be fireproof windows except that in buildings under seventy feet in height fireproof windows are required only when within thirty feet of another building or opening on a court or space less than thirty feet wide; except that in buildings under one hundred feet in height there may be wooden sleepers and floor finish and wooden trim, and except that in buildings under one hundred and fifty feet in height heretofore constructed there may be wooden sleepers, floor finish and trim and the windows need not be fireproof windows, excepting when such windows are within thirty feet of another building.

2. Fireproof material is material which is incombustible and is capable of resisting the effect of fire in such manner and to such extent as to insure the safety of the occupants of the building. The industrial board shall determine and in its rules and regulations shall specify what materials are fireproof materials within the meaning hereof. The industrial board shall also determine and in its rules and regulations shall specify what materials, not being fireproof materials within the meaning hereof, are fire resisting materials. Fire resisting material, when required by any of the provisions of this chapter, shall conform to requirements of such rules and regulations.

3. Incombustible material is material which will not burn or support combustion.

4. A fire wall is a wall constructed of brick, concrete, terra-cotta blocks or reinforced stone concrete, and having at each floor level one or more openings each protected by fire doors so constructed as to prevent the spread of fire or smoke through the openings. In buildings of nonfireproof construction fire walls shall be at least twelve inches in thickness and shall extend con-

tinuously from the cellar floor through the entire building and at least three feet over the roof and be coped; except that walls heretofore erected not less than eight inches in thickness, but otherwise conforming to the requirements of this subdivision shall be considered fire walls within the meaning of this subdivision. No opening in such wall shall exceed sixty-six inches in width or sixty square feet in area, except that where openings not exceeding eight feet in width exist in fire walls heretofore erected, such walls may be considered fire walls within the meaning of this subdivision, and in the case of fire walls hereafter constructed no two openings in the same wall and at the same floor level shall be nearer than forty feet from the center of one opening to the center of another. Every opening in a fire wall shall be protected by a fire door closing automatically on each side of the wall. At every opening in the fire wall there shall be an incombustible floor finish extending over the floor for the full thickness of the wall so as to completely separate the woodwork of the floors on each side of the fire wall. In fireproof buildings the fire walls shall comply with the foregoing requirements in all respects excepting that they may be of the thickness required by the provisions of this section with respect to fireproof partitions; such fire walls and fireproof partitions shall be continuous, from the cellar floor to the under side of the fireproof roof.

5. Fireproof partitions shall be built of brick, concrete, reinforced concrete or terra cotta blocks. When built of brick or concrete they shall be not less than eight inches in thickness for the uppermost forty feet, and shall increase four inches in thickness for each additional lower forty feet or part thereof; or, when wholly supported by suitable steel framing at vertical intervals of not over forty feet, they may be eight inches in thickness throughout their entire height. When wholly supported at vertical intervals of not over twenty-five feet, and built of terra cotta blocks, they shall be not less than six inches in thickness and when so supported and built of reinforced stone concrete, they shall be not less than four inches in thickness. The supporting steel framework shall be properly encased on all sides by not less than two inches of fireproof material, securely fastened to the steel work. All openings in such partitions shall be provided with fire doors.

6. Fire doors. Fire doors shall be metal-covered doors, or doors of such other material as shall be specified in the rules and

regulations of the industrial board. They shall be provided with self-closing devices and have incombustible sills. The industrial board shall determine, and in its rules and regulations shall specify, the material and mode and manner of construction and erection of such doors.

7. Fireproof windows shall be windows constructed of metal frames and sash and provided with wired glass and of the automatic, self-closing type.

8. Exterior enclosed fireproof stairways shall be stairways completely enclosed from top to bottom by walls of fireproof material not less than eight inches thick extending from the sidewalk, court or yard level to the roof, and with walls extending above the roof so as to form a bulkhead. The stairway shall in all other respects conform to the requirements of this article in regard to enclosed stairways. There shall be no opening in any wall separating the exterior enclosed fireproof stairway from the building. Access shall be provided to the stairway from every floor of the building by means of an outside balcony or vestibule of steel, iron or masonry. Every such balcony or vestibule shall have an unobstructed width of at least forty-four inches and shall be provided with a fireproof floor and a railing of incombustible material not less than three feet high. Access to such balconies from the building and to the stairway from the balconies, shall be by means of fire doors. The level of the balcony floor shall be not more than seven inches below the level of the door sill of the building. The doors shall be not less than forty-four inches wide and shall swing outward onto the balcony and inward from the balcony to the stairway, and shall be provided with locks or latches with visible fastenings requiring no key to open them in leaving the building. The landings in such stairway shall be of such width that the doors in opening into the stairway shall not reduce the free passageway of the landings to a width less than the width of the stairs. Every such stairway shall be provided with a proper lighting system which shall furnish adequate light and shall be so arranged as to ensure its reliable operation when, through accident or other cause, the regular factory lighting is extinguished. The balconies giving access to such stairways shall be open on at least one side upon an open space not less than one hundred square feet in area.

9. Horizontal exit. A horizontal exit shall be the connection by means of one or more openings not less than forty-four inches

wide, protected by fire doors, through a fire wall in any building, or through a wall or walls between two buildings, which doors shall continuously be unlocked and the opening unobstructed whenever any person is employed on either side of the opening. Exterior balconies and bridges not less than forty-four inches in width connecting two buildings and not having a gradient of more than one foot fall in six, may also be counted as horizontal exits when the doors opening out upon said balconies or bridges are fireproof doors and are level with the floors of the building, and when all doors of both buildings opening on such balconies or bridges are continuously kept unlocked and unobstructed whenever any person is employed on either side of the exit, and when such balconies or bridges are built of incombustible material and are capable of sustaining a live load of not less than ninety pounds per square foot with a factor of safety of four; and when such balconies or bridges are enclosed on all sides to a height of not less than six feet and on top and bottom by fireproof material, unless all windows or openings within thirty feet of such balconies in the connected buildings shall be encased in metal frames and sash and shall have wired glass where glass is used. In any case there shall be on each side of the wall or partition containing the horizontal exit and independent of said horizontal exit, at least one stairway conforming to the requirements for a required means of exit.

10. Exterior screened stairways used as one of the required means of exit in buildings heretofore erected shall be built of incombustible material. The risers of the stairs shall be not more than seven and three-quarters inches in height and the treads not less than ten inches wide. On each floor there shall be a balcony connecting with the stairs. Access to the balconies shall be by means of fire doors that shall open outwardly, so as not to obstruct the passageway, or slide freely, and shall extend to the floor level. All windows or other openings opening upon the course of such stairs shall be fireproof. The level of the balcony floor shall not be more than seven inches below the level of the door sill. The stairs shall continue from the roof to the ground level, and there shall be independent means of exit from the bottom of such stairs to the street or to an open court or to a fireproof enclosed passageway leading to the street or to an open area having communication with the street or road. The balconies and stairs shall be enclosed in a screen of incombustible material.

11. The provisions of subdivisions four to nine inclusive of this section shall apply to all buildings hereafter erected and to all construction hereafter made in buildings heretofore erected. The industrial board shall adopt rules and regulations regulating construction heretofore made in buildings heretofore erected requiring compliance with such of the requirements of the said subdivisions or with such other or different requirements as said board may find to be reasonable and adequate to protect persons employed in such buildings against fire.

§§ 80,  
82, 83  
repealed.

§ 2. Sections eighty, eighty-two and eighty-three of such chapter are hereby repealed.

In effect,  
when.

§ 3. This act shall take effect October first, nineteen hundred and thirteen, except that section seventy-nine-e of the labor law as added by this act shall take effect February first, nineteen hundred and fourteen.

## Chap. 462.

AN ACT to amend the labor law, in relation to the regulation of hours of labor on certain railroads.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 36,  
§ 7  
amended.

Section 1. Section seven of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:<sup>1</sup>

§ 7. Regulation of hours of labor on steam surface and other railroads. Ten hours' labor, performed within twelve consecutive hours, shall constitute a legal day's labor in the operation of steam surface, electric, subway and elevated railroads operated within this state, except where the mileage system of running trains is in operation. No person or corporation operating any such railroad of thirty miles in length, or over, in whole or in part within this state, shall permit or require any conductor, engineer, fireman, trainman, motorman or assistant motorman, engaged in or connected with the movement of any train on any

<sup>1</sup> Section materially amended

such railroad, to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such conductor, engineer, fireman, trainman, motorman or assistant motorman shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty, and no such conductor, engineer, fireman, trainman, motorman or assistant motorman who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty, except when by casualty occurring after he has started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which he is serving, he is prevented from reaching his terminal. The commissioner of labor shall appoint a sufficient number of inspectors to enforce the provisions of this section.

§ 2. This act shall take effect immediately.

## Chap. 463.

AN ACT to amend the labor law, in relation to bakeries.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article eight of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter six hundred and thirty-seven of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

L. 1909,  
ch. 36,  
art. 8, as  
amended  
by L. 1911  
ch. 637,  
amended.

### ARTICLE 8.

#### BAKERIES AND CONFECTIONERIES.

Section 110. Enforcement of article.<sup>1</sup>

111. Definitions.

112. General requirements.

113. Maintenance.

<sup>1</sup> Formerly read: "Hours of labor in bakeries and confectioneries."

- 113a.<sup>2</sup> Prohibited employment of diseased bakers.
- 114. Inspection of bakeries.
- 115.<sup>3</sup> Sanitary certificates.
- 116. Prohibition of future cellar bakeries.
- 117. Sanitary code for bakeries and confectioneries.

§ 110.<sup>4</sup> **Enforcement of article.** In every city of the first class the health department of such city shall have exclusive jurisdiction to enforce the provisions of this article. In the application of any provision of this article to any city of the first class, the words "commissioner of labor" or "department of labor" shall be understood to mean the health department of such city.

§ 111. **Definitions.** All buildings, rooms or places<sup>5</sup> used or occupied for the purpose of making, preparing or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses or private residences wherein such products are prepared to be used and are used exclusively on the premises,<sup>6</sup> shall for the purpose of this article<sup>7</sup> be deemed bakeries. The commissioner of labor shall have the same powers with respect to the machinery, safety devices and sanitary conditions in hotel bakeries that he has with respect thereto in bakeries as defined by this chapter. <sup>8</sup>In cities of the first class the health department's jurisdiction over hotel bakeries shall not extend to the machinery safety devices and hours of labor of employees therein. The term cellar when used in this article shall mean a room or a part of a building which is more than one-half its height below the level of the curb or ground adjoining the building (excluding arcaways). The term owner as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The term occupier shall be construed to mean the person, firm or corporation in actual possession of the

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<sup>2</sup> Section 113a new.

<sup>3</sup> Sections 115-117 new.

<sup>4</sup> Section 110 materially amended.

<sup>5</sup> Section to here formerly read: "All buildings, or rooms, except kitchens in hotels and private residences."

<sup>6</sup> Words "except kitchens in hotels . . . on the premises," new.

<sup>7</sup> Word "article" substituted for word "act."

<sup>8</sup> Following sentence new,



premises, who either himself makes, prepares or bakes any of the articles mentioned in this section, or hires or employs others to do it for him. Bakeries are factories within the meaning of this chapter, and subject to all the provisions of article six hereof.

§ 112. **General requirements.** All bakeries shall be provided with proper and sufficient drainage and with suitable sinks, supplied with clean running water for the purpose of washing and keeping clean the utensils and apparatus used therein. All bakeries shall be provided with proper and adequate windows, and if required by the rules and regulations of the industrial board,<sup>9</sup> with ventilating hoods and pipes over ovens and ashpits, or with other mechanical means, to so ventilate same as to render harmless to the persons working therein any steam, gases, vapors, dust, excessive heat or any impurities that may be generated or released by or in the process of making, preparing or baking in said bakeries. Every bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling, and shall have a flooring of even, smooth cement, or of tiles laid in cement, or a wooden floor, so laid and constructed as to be free from cracks, holes and interstices, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to this provision with respect to height; the side walls and ceilings shall be either plastered, ceiled or wainscoted.<sup>10</sup> Every bakery shall be provided with a sufficient number of water-closets, and such water-closets shall be separate and apart from and unconnected with the bakeroom or rooms where food products are stored or sold.

§ 113. **Maintenance.** All floors, walls, stairs, shelves, furniture, utensils, yards, areaways, plumbing, drains and sewers, in or in connection with bakeries, or<sup>11</sup> in bakery water-closets and washrooms, or<sup>11</sup> rooms where raw materials are stored, or<sup>12</sup> in rooms where the manufactured product is stored, shall at all times be kept in good repair, and maintained in a clean and sani-

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<sup>9</sup> Sentence to here formerly read: "All bakeries shall be provided with windows, or if deemed necessary by the commissioner of labor."

<sup>10</sup> Sentence omitted which read: "The furniture, troughs and utensils shall be so arranged and constructed as not to prevent their cleaning or the cleaning of every part of the bakery."

<sup>11</sup> Word "or" new.

<sup>12</sup> Word "or" substituted for word "and."

tary condition, free from all kinds of vermin. All interior wood-work, walls and ceilings shall be painted or limewashed once every three months, where so required by the commissioner of labor. Proper sanitary receptacles shall be provided and used for storing coal, ashes, refuse and garbage. Receptacles for refuse and garbage shall have their contents removed from bakeries daily and shall be maintained in a clean and sanitary condition at all times; the use of tobacco in any form in a bakery or room where raw material<sup>13</sup> or manufactured produce of such bakery is stored is prohibited. No person shall sleep, or be permitted, allowed or suffered to sleep in a bakery,<sup>14</sup> or in any room where raw material or the manufactured product of such bakery is stored or sold, and no domestic animals or birds, except cats shall be allowed to remain in any such rooms.<sup>15</sup> Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors and other openings shall be provided with proper screens. All employees, while engaged in the manufacture and handling of bread shall wear slippers or shoes and suits of washable material which shall be used for that purpose only and such garments shall be kept clean at all times. Lockers shall be provided for the street clothes of the employees. The furniture, troughs and utensils shall be so arranged and constructed as not to prevent their cleaning or the cleaning of every part of the bakery.

§ 113-a.<sup>16</sup> **Prohibited employment of diseased bakers.** No person who has any communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department of labor, any person employed in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall work or be permitted to work in any bakery.

§ 114.<sup>17</sup> **Inspection of bakeries.** It shall be the duty of the owner of a building wherein a bakery is located to comply with all the provisions of section one hundred and twelve of this article, and of the occupier to comply with all the provisions of sec-

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<sup>13</sup> Formerly "materials."

<sup>14</sup> Remainder of sentence formerly read: "in a room where raw materials are stored, or in rooms where the manufactured product is stored or sold, and no domestic animals or birds, except cats, shall be allowed to remain in any such rooms."

<sup>15</sup> Remainder of section new.

<sup>16</sup> Section 113a new.

<sup>17</sup> Section 114 is not amended.

tion one hundred and thirteen of this article, unless by the terms of a valid lease the responsibility for compliance therewith has been undertaken by the other party to the lease, and a duplicate original lease, containing such obligation, shall have been previously filed in the office of the commissioner of labor, in which event the party assuming the responsibility shall be responsible for such compliance. The commissioner of labor may, in his discretion, apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured, provided that basements or cellars used as confectionery or ice-cream manufacturing shops shall not be required to conform to the requirement as to height of rooms. Such establishments shall be not less than seven feet in height, except that any cellar or basement so used before October first, nineteen hundred and six, which is more than six feet in height need not be altered to conform to this provision. If on inspection the commissioner of labor find a bakery or any part thereof to be so unclean, ill-drained or ill-ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it shall be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the commissioner of labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.

§ 115.<sup>18</sup> **Sanitary certificates.** 1. No person, firm or corporation shall establish, maintain or operate a bakery without obtaining a sanitary certificate from the department of labor. Application for such certificate shall be made to the commissioner of labor by the occupier of the bakery or by the person, firm or corporation desiring to establish or conduct such bakery. The

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<sup>18</sup> Section 115 new.

application for a sanitary certificate shall be made in such form and shall contain such information as the commissioner of labor may require. Blank applications for such certificate shall be prepared and furnished by the commissioner of labor.

2. Upon the receipt of such application for a sanitary certificate, the commissioner of labor shall cause an inspection to be made of the building, room or place described in the application. If the bakery conforms to the provisions of articles six and eight of this chapter and the rules and regulations of the industrial board, or in any city of the first class if the bakery conforms to the provisions of article eight of this chapter, and to the sanitary code and the rules and regulations of the department of health of any such city, the commissioner of labor shall issue a sanitary certificate for such bakery. Such certificate shall be for a period of one year and shall be renewed annually by the commissioner of labor if upon a reinspection of the bakery it is found to comply with the aforesaid provisions and regulations. Every certificate granted under the provisions of this chapter shall be posted in a conspicuous place in the bakery for which such certificate is issued.

3. Such certificate may be revoked at any time by the commissioner of labor if the health of the community or of the employees of the bakery require such action, or if an order of the department issued under the provisions of this chapter be not complied with within fifteen days after the service thereof upon the person, firm or corporation charged with the duty of complying with such order. The time for such compliance may be extended by the commissioner of labor for good cause shown, but a statement of the reasons for such extension shall be filed in the office of the department of labor as part of the public records thereof. Nothing contained in this subdivision shall be construed to limit in any way the power of the commissioner of labor to seal up an unsanitary bakery as provided in section one hundred and fourteen of this chapter.

4. If an application for a sanitary certificate be denied or if such certificate be revoked by the commissioner of labor, he shall file in the office of the department of labor as part of the public records thereof, a statement in writing setting forth in detail the reasons for such denial or revocation.

5. Applications for sanitary certificates for existing bakeries shall be made within four months after this act takes effect, and no such bakery shall be conducted or operated without a sanitary

certificate from the department of labor after the first day of January, nineteen hundred and fourteen. In the case of bakeries hereafter established, the application for a sanitary certificate shall be made within ten days after such bakery shall commence business, and no such bakery shall be conducted or operated without a sanitary certificate for more than thirty days after commencing business.

6. If a bakery has no sanitary certificate as herein required or if such certificate has been revoked, the commissioner of labor shall, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery. No one but the commissioner of labor or his duly authorized representative shall remove any such seal, and he shall not remove same until a sanitary certificate has been issued to such bakery.

§ 116.<sup>19</sup> **Prohibition of future cellar bakeries.** No bakery shall hereafter be located in a cellar, and a sanitary certificate shall not be issued for any bakery so located unless such bakery shall be at least ten feet in height measured from the surface of the finished floor to the under side of the ceiling, and if the bakery is located or intended to be located entirely in the front part of the building, the ceiling of the bakery shall be in every part at least four feet six inches above the curb level of the street in front of the building, or if such bakery is located or intended to be located entirely in the rear part of the building or to extend from the front to the rear, the ceiling of the bakery shall be not less than one foot above the curb level of the street in front of the building and the bakery shall open upon a yard or courts which shall extend at least six inches below the floor level of the bakery, nor unless proper and adequate provision shall be made for the lighting and ventilation of such bakery and for the proper construction of the floor, walls and ceiling thereof, and plans and specifications for the construction and establishment of such bakery, in such form and covering such matters as the commissioner of labor may require, shall have been first submitted to and approved by the commissioner of labor. This prohibition shall not apply to a cellar used and operated as a bakery at any time within one year prior to the date of the passage of this act, provided

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<sup>19</sup> Section 116 new. This section is amended by L. 1913, ch. 797, post.

that satisfactory proof of its use as a bakery as herein specified be furnished to the commissioner of labor in such form as he may require within six months after this act shall take effect. Upon receipt of such proof the commissioner of labor shall issue to the owner of the building in which such cellar is located, a certificate of exemption. This section shall not prevent the local health authorities in any city of the first class from exercising any power of regulation now vested in them.

§ 117.<sup>20</sup> **Sanitary code for bakeries and confectioneries.** All factories wherein any food product is manufactured shall be kept in a thoroughly sanitary condition and shall be properly lighted and ventilated, and all necessary methods shall be employed to protect the food product prepared therein from contamination. The industrial board may adopt rules and regulations for carrying into effect the provisions of this article. Such rules and regulations shall be known as the sanitary code for bakeries and confectioneries and shall not apply to cities of the first class.

§ 2. This act shall take effect immediately.

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## Chap. 464.

AN ACT to amend the labor law, in relation to the prohibition of the employment of children in the operation of dangerous machinery and in trades, occupations or processes of manufacture dangerous or injurious to their health and in relation to the prohibition of the employment of women in the core-rooms of foundries.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 38,  
§ 93, as  
amended  
by L. 1910,  
ch. 107,  
amended.

Section 1. Section ninety-three of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter one hundred and seven of the laws of nineteen hundred and ten,<sup>1</sup> is hereby amended to read as follows:

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<sup>20</sup> Section 117 new.

<sup>1</sup> Section 93 was also amended by L. 1909, ch. 299.

§ 93. Prohibited employment of women and children. 1. No child under the age of sixteen years shall be employed or permitted to work in operating or assisting in operating any of the following machines: Circular or band saws, woodshapers, wood-jointers, planers, sandpaper or wood polishing machinery; picker machines or machines used in picking wool, cotton, hair or any upholstery material; paper lace machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses having motive power other than foot; wood-turning or boring machinery; drill presses; metal or paper cutting machines; corner staying machines in paper box factories; stamping machines used in sheet metal and tinware manufacturing or in washer and nut factories; machines used in making corrugating rolls; steam boilers; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling mill machinery; power punches or shears; washing, grinding or mixing machinery; calendar rolls in rubber manufacturing; or laundering machinery; <sup>2</sup>or in operating or assisting in operating any other machines or machinery which may be found by the industrial board to be dangerous and specified as such from time to time in rules and regulations adopted by such board.

2. No child under the age of sixteen years shall be employed or permitted to work at adjusting or assisting in adjusting any belt to any machinery, oiling or assisting in oiling, wiping or cleaning machinery; or in any capacity in preparing any composition in which dangerous or poisonous acids are used; or in the manufacture or packing of paints, dry colors, or red or white lead; or dipping or <sup>3</sup>dyeing<sup>4</sup> matches; or in the manufacture, packing or storing of powder, dynamite, nitroglycerine, compounds, fuses, or other explosives; or in or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; and no female under the age of sixteen shall be employed or permitted to work in any capacity where such employment compels her to remain standing constantly. No child under the age of sixteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator either for freight or passengers. No person under the age of eighteen years shall be employed or per-

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<sup>2</sup> Remainder of subd. 1 new.

<sup>3</sup> Word "or" new.

<sup>4</sup> Words "or packing" omitted.



mitted to have the care, custody or management of or to operate an elevator either for freight or passengers running at a speed of over two hundred feet a minute. No male persons under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. No male child under the age of eighteen years, nor any female, shall be employed in any factory in this state in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured.

3.<sup>5</sup> In addition to the cases provided for in the foregoing subdivisions, the industrial board, when as a result of its investigations it finds that any particular trade, process of manufacture, or occupation, or particular method of carrying on any trade, process of manufacture, or occupation, is dangerous or injurious to the health of minors under eighteen years of age employed therein, shall have power to adopt rules and regulations prohibiting or regulating the employment of such minors therein.

4. No female shall be employed or permitted to work in any brass, iron or steel foundry, at or in connection with the making of cores where the oven in which the cores are baked is located and is in operation in the same room or space in which the cores are made. The erection of a partition separating the oven from the space where the cores are made shall not be sufficient unless the said partition extends from the floor to the ceiling, and the partition is so constructed and arranged, and any openings therein so protected that the gases and fumes from the core oven will not enter the room or space in which the women are employed. The industrial board shall have power to adopt rules and regulations regulating the construction, equipment, maintenance and operation of core rooms and the size and weight of cores that may be handled by women, so as to protect the health and safety of women employed in core rooms.

§ 2. This act shall take effect October first, nineteen hundred and thirteen.

In effect  
Oct. 1.  
1913.

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<sup>5</sup> Remainder of section new.

## Chap. 465.

AN ACT to amend the labor law, in relation to the employment of women in canning establishments.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision three of section seventy-seven of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter five hundred and thirty-nine of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

L. 1909,  
ch. 36,  
§ 77,  
subd. 3, as  
amended  
by L. 1912,  
ch. 539,  
amended.

3. No female minor under the age of twenty-one years and no woman shall be employed or permitted to work in any factory in this state<sup>1</sup> more than six days or fifty-four hours in any one week; nor for more than nine hours in any one day except as hereinafter provided. <sup>2</sup>No female minor under the age of twenty-one years shall be employed or permitted to work in any factory in this state before six o'clock in the morning or after nine o'clock in the evening of any day.

Hours of  
employ-  
ment of  
females in  
factories.

§ 2. Subdivisions two and three of section seventy-eight of such chapter, as amended by chapter five hundred and thirty-nine of the laws of nineteen hundred and twelve, are hereby amended to read as follows:

§ 78,  
subds. 2, 3,  
as amended  
by L. 1912,  
ch. 539,  
amended.

2. The provisions of subdivision two<sup>3</sup> of section seventy-seven relating to maximum hours shall not apply to the employment of <sup>4</sup>male<sup>5</sup> minors sixteen years of age and upwards in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October each year.

Employ-  
ment of  
male  
minors in  
canning  
establish-  
ments.

3.<sup>6</sup> A female eighteen years of age or upwards may, notwithstanding the provisions of subdivision three of section seventy-

Employ-  
ment of  
females in  
canning  
establish-  
ments.

<sup>1</sup> Words "before six o'clock in the morning, or after nine o'clock in the evening of any day, or," omitted.

<sup>2</sup> Following sentence new.

<sup>3</sup> Sentence to here formerly read: "The provisions of subdivisions two and three."

<sup>4</sup> Words "women and" omitted.

<sup>5</sup> Word "male" new.

<sup>6</sup> Subd. 3 new.

seven of this chapter, be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October in each year not more than six days or sixty hours in any one week nor more than ten hours in any one day; and the industrial board shall have power to adopt rules and regulations permitting the employment of women eighteen years of age and upwards on such work in such establishments between the twenty-fifth day of June and the fifth day of August in each year not more than six days nor more than sixty-six hours in any one week nor more than twelve hours in any one day, if said board shall find that such employment is required by the needs of such industry and can be permitted without serious injury to the health of women so employed. The provisions of this subdivision shall have no application unless the daily hours of labor shall be posted for the information of employees and a time book in a form approved by the commissioner of labor, giving the names and addresses of all female employees and the hours of work by each of them in each day shall be properly and correctly kept and shall be exhibited to him or any of his subordinates promptly upon demand. No person shall knowingly make or permit or suffer to be made a false entry in any such time book.

§ 78,  
subd. 3 re-  
numbered  
subd. 4.

§ 3. Subdivision three of said section seventy-eight is hereby renumbered subdivision four.

§ 4. This act shall take effect immediately.

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## Chap. 466.

AN ACT to amend the labor law, in relation to hours of labor of certain railroad employees.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1903,  
ch. 26,  
§ 8  
amended.

Section 1. Section eight of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:

§ 8. Regulation of hours of labor of block system telegraph and telephone operators and signalmen on surface, subway and elevated railroads. The provisions of section seven of this chapter shall not be applicable to employees mentioned herein. It shall be unlawful for any corporation or receiver, operating a line of railroad, either surface, subway or elevated, in whole or in part in the state of New York, or any officer, agent or representative of such corporation or receiver to require or permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed the "block system" (defined as follows): Reporting trains to another office or offices or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid; except in cases of extraordinary emergency caused by accident, fire, flood or danger to life or property, and for each hour of labor so performed in any one day in excess of such eight hours, by any such employee, he shall be paid in addition at least one-eighth of his daily compensation. <sup>1</sup>Any person who is employed as signalman, towerman, gateman, telegraph or telephone operator in a railroad signal tower or public railroad station to receive or transmit a telegraphic or telephonic message or train order for the movement of trains and who works eight hours or more in any twenty-four each and every day continuously, and all gatemen so employed must have at least two days of twenty-four hours each in every calendar month for rest with the regular compensation; subject to the foregoing provisions relating to extra service in cases of emergency. Any person or persons, company or corporation, who shall violate any of the provisions of this section, shall, on conviction, be fined in the sum of not less than one hundred dollars, and such fine shall be recovered by an action in the name of the state of New York, for the use of the state, which shall sue for it against such person, corporation or association violating

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<sup>1</sup> Following sentence new.

this section, said suit to be instituted in any court in this state having appropriate jurisdiction. Such fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer, and the balance thereof to be paid into the free school fund of the state of New York. The provisions of this section shall not apply to any part of a railroad where not more than eight regular passenger trains in twenty-four hours pass each way; provided, moreover, that where twenty freight trains pass each way generally in each twenty-four hours then the provisions of this section shall apply, notwithstanding that there may pass a less number of passenger trains than hereinbefore set forth, namely eight.

§ 2. This act shall take effect immediately.

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## Chap. 467.

AN ACT to amend the labor law, in relation to the minimum wages to be paid to the laborers, workmen and mechanics on the canals, or in connection with canal construction.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 36,  
§ 2, as  
amended  
by L. 1909,  
ch. 292,  
amended.

Section 1. Section three of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter two hundred and ninety-two of the laws of nineteen hundred and nine,<sup>1</sup> is hereby amended to read as follows:

§ 3. **Hours to constitute a day's work.** Eight hours shall constitute a legal day's work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for over work at an increased compensation except upon work by or for the state or a municipal corporation, or by contractors or subcontractors therewith. Each contract to which

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<sup>1</sup> Section 3 is again amended by L. 1913, ch. 494, post. The amendments effected here are not incorporated in § 3 as amended by said ch. 494. ". . . Chapter 494 by implication repeals Chapter 467 the effect being that the amendment provided for by Chapter 467 is not in force since Chapter 494 became a law." — Opinion of attorney-general, dated June 3, 1913.

the state or a municipal corporation or a commission appointed pursuant to law is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day's work as hereinbefore defined to all classes of such laborers, workmen or mechanics upon all such public works, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the state where such public work on, about or in connection with which such labor is performed in its final or completed form is to be situated, erected or used; <sup>1</sup>nor in any case, less than two dollars per day if such laborers, workmen or mechanics are employed upon, about or in connection with the canals of the state, or in the construction, enlargement or improvement of canals. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, subcontractor or other person on, about or upon such public work, shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the state or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract, which in its form or manner of performance violates the provisions of this section, but nothing in this section shall be construed to apply to persons regularly employed in state institutions, or to engineers, electricians and elevator men in the department of public buildings during the annual session of the legislature, nor to the construction, maintenance and repair of highways outside the limits of cities and villages.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of sentence new.

## Chap. 468.

AN ACT granting the consent of the state of New York to the occupation by the United States of certain lands for the purpose of the erection of a lighthouse and necessary buildings, situate near the city of Kingston in the county of Ulster, and ceding jurisdiction over the same.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

United States authorized to occupy certain described land for light-house.

Section 1. The consent of the state of New York is hereby given for the occupation by the United States of America, for the purpose of the erection of a lighthouse and necessary buildings, of all that tract, piece or parcel of land, situate, lying and being in the angle made by the intersection of the dike on the north side of Rondout creek, New York, with the end of the dike on the west side of the Hudson river, near the city of Kingston in the county of Ulster, state of New York, and bounded and described as follows: Beginning at a point where the inside face of the dike on the north side of Rondout creek intersects the inside face of the dike on the west side of Hudson river; thence north, eleven degrees thirty minutes west, true bearings, one hundred and ten feet to a point on the inside line of the dike on the north side of Hudson river; then south, fifty-one degrees thirty-five minutes west, true bearings, a distance of ninety-eight feet to a point on the inside face of the dike on the north side of Rondout creek; then south, fifty-nine degrees forty minutes east, true bearings, a distance of one hundred feet; then easterly along the inside face of the dike to the point of beginning, the area or content of the land thus limited and defined being one hundred twenty-one one-thousandths of an acre, more or less. The survey and diagram showing the location and boundaries of the premises shall be filed in the office of the secretary of state.

Jurisdiction ceded.

§ 2. The jurisdiction of the state of New York in and over the above described property shall be and is hereby ceded to the United States, subject to the restrictions hereinafter mentioned.

Right to execute process thereon, retained.

§ 3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the



said property so far as that all civil and criminal process which may issue under the laws or authority of the state of New York may be executed thereon in the same way and manner as if such consent and jurisdiction had not been given.

§ 4. The said property when occupied by the United States shall be and continue forever thereafter exonerated and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this state; but the jurisdiction hereby ceded and the exemption from taxation hereby granted shall continue in respect to said property so long as the same shall remain the property of the United States and be used for public purposes and no longer.

Property  
exempted  
from taxa-  
tion, etc.

§ 5. This act shall take effect immediately.

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## Chap. 469.

AN ACT to amend the conservation law, in relation to the transportation of the waters of this state into any other state for use therein.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section five hundred and twenty-four of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," is hereby amended to read as follows:

L. 1911,  
ch. 647,  
§ 524  
amended.

§ 524. **Water supply to be used in other states.** No waters of this state shall be diverted without the state. <sup>1</sup>No person or corporation shall transport or carry through pipes, conduits, ditches or canals the waters of any fresh water lake, pond, brook, river, stream or creek in this state or any well, subsurface or percolating waters of this state into any other state for use therein except where the consent in writing of the conservation commission has been obtained. The conservation commission shall enforce the provi-

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<sup>1</sup> Remainder of section new.

sions of this section, and the supreme court may upon the application of the commission prevent such diversion or transportation by injunction.

§ 2. This act shall take effect immediately.

## Chap. 470.

AN ACT to amend the penal law, in relation to the sale or possession of cocaine or eucaine.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 88,  
§ 1746  
repealed.

Section 1. Section seventeen hundred and forty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," as amended by chapter one hundred and thirty-one of the laws of nineteen hundred and ten, is hereby repealed.

New § 1746  
added.

§ 2. Such chapter is hereby amended by inserting therein a new section to be section seventeen hundred and forty-six to read as follows:

§ 1746. **Sale of cocaine or eucaine, and regulations respecting their possession.** Alkaloid cocaine or its salts, or alpha or beta eucaine or their salts, or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, shall not be sold, offered for sale, furnished, disposed of, given away or possessed by any person except in the manner prescribed in this section and by the persons authorized herein.

(a) It shall be lawful for a licensed pharmacist or a licensed druggist, upon the written prescription of a physician duly registered and licensed to practice in the state of New York, to sell or dispense, alkaloid cocaine or its salts or alpha or beta eucaine or their salts. If in such prescription the percentage of such substances to the total contents of the prescription shall exceed one per centum thereof the pharmacist or druggist to whom such prescription is presented shall before filling the same verify the prescription by inquiry of the physician issuing the same. Such prescription shall be retained by the person dispensing the

drug, and no copy of such prescription shall be made by or delivered to any person, and such prescription shall be filled but once, except that it shall be lawful for a licensed pharmacist or druggist to refill and to give to the person presenting same a copy of a prescription of which cocaine or eucaine is a component part, if the proportion of such substance to the total content of the prescription does not exceed one grain thereof to each fluid ounce or in the case of ointment does not exceed two grains of such substance to the ounce. When any of such substance is so dispensed or sold upon such written prescription of a physician, the person selling or dispensing the same shall simultaneously deliver to the person to whom the same is sold or furnished a certificate stating the name and address of the person selling or furnishing such drug or mixture, the name and address of the physician upon whose prescription the same is sold or furnished, the date of sale and the amount sold. The possession of such certificate shall be a defense to a charge of misdemeanor under paragraph (h) of this section, provided the person possessing such substance shall not have in his possession an amount exceeding the amount specified in such certificate, and provided that such certificate shall not legalize the possession of such substance for more than ten days after its issuance if the proportion of cocaine or eucaine or their salts to the total content of the prescription shall exceed one grain to the fluid ounce, or, in the case of ointment, two grains to the ounce, unless on such certificate there shall be written by the physician issuing the prescription a statement that the use of the substance is necessary for a longer period, to be named in such statement. It shall be lawful for any physician duly registered and licensed to practice in the state of New York, after personal examination of a patient, to prescribe and himself dispense such substances to such patient, provided he shall execute and deliver the certificate required of a dispensing druggist or pharmacist.

(b) Such substances may lawfully be sold in the original package at wholesale by any manufacturer thereof to any other manufacturer thereof or to a wholesale dealer in drugs, and by any wholesale dealer in drugs to any other wholesale dealer in drugs or to a manufacturer thereof, provided such package shall be securely sealed and labeled as prescribed in this section, and provided a record of such sale shall be kept in the manner prescribed in this section by the person selling and the person purchasing

said substances. It shall be lawful for a manufacturer or wholesale dealer in drugs after the purchase in bulk of such substances, to repack the same in other containers which shall be sealed and labeled as prescribed in this section. When so repacked, sealed and labeled such containers shall, for the purposes of this section, be deemed to be original packages.

(c) Such substances may lawfully be sold in the original package to a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist by any manufacturer of such substances or wholesale dealer in drugs upon the written order of the pharmacist, druggist, physician, veterinarian or dentist to whom the sale is made, provided such package shall be securely sealed and labeled and provided a record of such sale shall be kept in the manner prescribed herein by the person selling and the person purchasing such substance.

(d) Before making any sale provided for in paragraphs (b) and (c) of this section, the manufacturer of such substances or wholesale dealer in drugs shall affix or cause to be affixed to the bottle, box, vessel or package containing the article sold, and upon the outside wrapper of the package as originally put up, a label distinctly displaying the name and quantity of cocaine or its salts, alpha or beta eucaine or their salts sold, and the word "poison" with the name and place of business of the seller all printed in red ink.

(e) The manufacturer of such substances or wholesale dealer in drugs shall, before the delivery of any of such substances sold by him, make or cause to be made in a book kept for the purpose, an entry of the sale thereof, stating the date of sale, the quantity sold, the name and form in which it is sold, the name and address of the purchaser, the name of the person by whom the order is filled, the name of the person by whom the entry is made, a description of the package or container in which the substance is sold, and a statement that such substance was sold and purchased in the original package, that the package was sealed, that the seals thereof were undamaged and unbroken, and that the labels were attached thereto as hereinbefore prescribed, and were not in any manner defaced or damaged, and a statement showing how delivery was made, whether personally or by mail, express, freight or messenger. The record and statement thus made in such book shall be signed by the person filling such order for such substance and may be received in any court against the person filling such order and the person selling such substance as evidence of the

transaction recorded and the facts stated therein. The said book and record shall be kept in the regular place of business in the state of New York of such manufacturer and wholesale dealer and shall be open at all times for inspection by the officers or authorized agents of the state or local board of health, the New York state board of pharmacy and by the police authorities and officers charged with the enforcement of the penal law, and shall be preserved for at least five years after the date of the last entry made therein. The items in such book respecting the sale of said substances shall be consecutively numbered, and upon the receipt by such manufacturer or wholesale dealer of any order for any of such substances there shall be written or stamped upon such order so received the serial number corresponding to the next open numbered entry space in such record book and the said serial number shall also be written or stamped upon the package containing such substances when the same is delivered in pursuance of the said order. Such original orders shall likewise be kept by the said manufacturer or wholesale dealer in a convenient place in the state of New York; and shall be preserved for at least five years after the dates of such orders.

(f) The manufacturer of such substances or wholesale dealer in drugs, licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian, or licensed dentist shall, upon the delivery to him of any of such substances purchased by him, make or cause to be made in a book kept for the purpose, an entry of the purchase thereof, stating the date of purchase thereof, the quantity purchased, the name and form in which it was purchased, the name and address of the seller, the name of the person by whom the purchase is made, the name of the person by whom the entry is made, a description of the package or container in which the substance is purchased, and a statement that such substance was sold and purchased in the original package, that the package was sealed, that the seals thereon were undamaged and unbroken, and that the labels were attached thereto as hereinabove prescribed, and were not in any manner defaced or damaged, and a statement showing how delivery was made, whether personally or by mail, express, freight or messenger. There shall also be recorded in such book the particular place in which such substance so purchased is to be kept by the purchaser which place shall be easily accessible and shall be within the state of New York and shall not be changed except that at the time of such change an entry thereof be made in such book opposite the

original entry of the purchase and signed by the purchaser. The record and statement thus made in such book shall be signed by the person purchasing such substance and may be received in any court against the person receiving such substance and against the person to whom the same is sold as evidence of the transaction recorded and the facts stated therein. Such book and record shall be kept in the regular place of business in the state of New York of such purchaser, and shall be open at all times for inspection by any prosecuting officer in the state or his subordinates and by such persons as may be designated by him. Such book shall be preserved for at least five years after the date of the last entry made therein.

(g) Any person who shall sell, offer to sell, furnish, dispose of or give away alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, except under the conditions and to the persons authorized by this section shall be guilty of a felony. Any dentist, veterinarian or physician who shall dispense such substances to a patient without issuing the certificate required by paragraph (a) to be made and issued by him shall be guilty of a felony. Any druggist or pharmacist who shall fill any prescription issued in violation of this section shall be guilty of a felony.

(h) Any person other than a manufacturer of such substances or a wholesale dealer in drugs or a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist who shall possess any quantity whatever of alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, shall be guilty of a misdemeanor, unless the said possession is authorized by the certificate described in paragraph (a).

(i) Any licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist or manufacturer of such substances or wholesale dealer in drugs, who shall possess any quantity whatever of alkaloid cocaine or its salts or alpha or beta eucaine or their salts, or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, in any place other than the place scheduled in the record herein provided for, shall be guilty of a misdemeanor, except that a duly registered practicing physician, licensed veterinarian or licensed dentist, may carry such substances



for use in his profession, provided the amount so personally carried and the amount kept in the place scheduled in his record shall not together exceed a total of one and one-eighth ounces of such substance. Any person who shall under the provisions of this section be required to record the possession, disposition, sale, purchase or the place of keeping of such substances who shall fail to record the possession, disposition, sale or purchase thereof or the place in which the substances so possessed or purchased are kept, in the manner and after the form prescribed in this section, shall be guilty of a misdemeanor.

(j) Every manufacturer of such substances, wholesale dealer in drugs, licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian and licensed dentist shall keep an accurate record in a book kept for that purpose of all alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture of \*coicaine or eucaine disposed of by him, and the possession in the place designated in the record herein directed by paragraph (e) to be kept of an amount less than the difference between the total amount received by him and the amount shown by his record to have been disposed of, shall be presumptive evidence of a sale of the amount of such substances not accounted for in violation of this section. No record of dispositions of such substances need be made by any physician, veterinarian or dentist, except that such persons shall at least once in each six months record the gross amount of such substances disposed of by him.

(k) Within thirty days after this section takes effect every manufacturer of alkaloid cocaine or its salts or alpha or beta eucaine or their salts, or any admixture, compound, solution or product in which cocaine or eucaine or their salts may be an ingredient, every wholesale dealer in drugs, licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian and licensed dentist shall make a record of the amount of each of said substances possessed by him in a book to be kept for that purpose, which may be the book in which purchases are recorded. Such book shall be kept at the regular place of business of each of said persons in the state of New York; and there shall be specifically stated in such book the amount of each of said substances possessed by the person making the record and the particular place in which the same is kept. Such book shall be

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\* So in original.



open to inspection by any prosecuting officer in the state or his subordinates and by such persons as may be designated by him. Such book and record shall be preserved for at least five years after the date of the last entry made therein. In the event that the amount of said substances possessed at the time this section takes effect by any licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist, shall exceed the amount specified in paragraph (1) of this section, such possession shall not be deemed to be unlawful, provided that the persons possessing the same shall not purchase or acquire in any manner whatever any more of such substances until the amount on hand shall be reduced by lawful disposition thereof to an amount less than that prescribed by paragraph (1). If any of the persons entitled to possess such substances in any amount shall possess an amount in excess of that authorized by paragraph (1) it shall be the duty of each of such persons to report in writing to the state department of health, within thirty days after this act takes effect, the amount of each of such substances possessed by him and the place where the same is kept. Such reports shall be alphabetically filed in the office of the state department of health and shall be open to public inspection. Any person violating the provisions of this paragraph of this section shall be guilty of a misdemeanor.

(1) It shall be unlawful to possess or have in any pharmacy or drug store in this state more than one and one-quarter ounces of alkaloid cocaine or its salts or alpha or beta eucaine or their salts for each duly registered pharmacist or druggist regularly employed in such pharmacy or drug store, provided, however, that in no event shall there be carried in stock in such pharmacy or drug store to exceed five ounces of such substances no matter what number of registered pharmacists or druggists may be employed therein. It shall be unlawful for any physician, dentist or veterinarian to possess more than one and one-eighth ounces of alkaloid cocaine or its salts or alpha or beta eucaine or their salts. Any person who shall violate any of the provisions of this paragraph shall be guilty of a misdemeanor.

(m) This section shall not apply to nor prohibit the regular and ordinary transportation of such substances as merchandise, provided the same shall be labeled and sealed as prescribed in this section, nor to the possession of such substances by duly authorized officials charged with the enforcement of the law when such substances are possessed by them in pursuance of their offi-

cial duties and in connection with the apprehension and prosecution of persons offending against this section.

(n) It shall be lawful for one person in the regular employ of each public hospital or dispensary in this state, to be selected and designated by the managers or board of trustees of such hospital or dispensary to purchase and possess alkaloid cocaine or its salts or alpha or beta eucaine or their salts, provided such purchase and possession shall be for the exclusive use of such hospital or dispensary and provided that such substances shall be kept within the hospital buildings or dispensary. The amount of such substances so possessed shall not exceed five ounces at any one time, and the person so designated by such managers or trustees of such hospital or dispensary shall keep the same record of purchases and dispositions as is hereinabove directed to be kept by other persons purchasing and possessing cocaine or eucaine or their salts, and he shall be liable to the same penalties as hereinabove provided. The record directed herein to be kept shall be open to inspection by the same authorities as are hereinabove provided, and the record shall be preserved in such hospital or dispensary for at least five years after the date of the last entry made therein.

§ 3. This act shall take effect immediately.

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## Chap. 471.

AN ACT to provide for a commission on the codification of the practice and procedure in the municipal court of the city of New York and to simplify, revise and amend the pleadings, practice and procedure therein, and to provide rules for the conduct of the court, justices, clerks and attaches thereof and the marshals attached to the said court.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Within ten days after the enactment of this act, the mayor of the city of New York shall appoint a commission of eleven, all of whom shall be residents of the city of New York, and who shall serve without compensation, for the purpose of trans-

Appoint-  
ment of  
commis-  
sion.

Duties.

mitting to the legislature of the state of New York then in session, and on or before the first day of February, nineteen hundred and fourteen, a revised, codified or amended act for the practice and procedure in the municipal court of the city of New York. The said commission shall examine the present laws and the rules with respect to the practice and procedure in the said court, and shall revise, codify, simplify and amend the law and rules affecting the practice and procedure of the said court, the pleadings therein and the practice thereof.

Eligibility  
of commis-  
sioners.

§ 2. The commission to be appointed shall consist of two justices of the supreme court, three justices of the municipal court of the city of New York, three attorneys and counsellors at law of the state of New York, of at least ten years' standing, one member of the senate to be nominated by the president of the senate and two members of assembly to be nominated by the speaker of the assembly. One of the commissioners shall be designated by the mayor as the chairman.

Chairman.

City au-  
thorized to  
appro-  
priate  
money.

§ 3. Authority is hereby conferred upon the board of estimate and apportionment of the city of New York to appropriate the sum of five thousand dollars, or as much thereof as may be necessary to pay for the expense of the said commission, which shall include stationery, clerks, stenographers and other reasonable and necessary disbursements, but the whole expense shall in no event exceed five thousand dollars. To provide for the said sum of five thousand dollars, or so much thereof as may be necessary, certificates of indebtedness may be sold or the same may be raised by the transfer of an unexpended balance or balances, or by such means as the board of estimate and apportionment of the said city of New York shall adopt.

Money,  
how  
raised.

Disburse-  
ments.

§ 4. The necessary disbursements of the commission, not exceeding the sum of five thousand dollars, shall be paid by the comptroller of the city of New York, upon the audit and order of the chairman of the said commission.

Power to  
have books,  
etc., pro-  
duced.

§ 5. Power is hereby conferred upon the said commission to call for and have produced before it, for its inspection and examination, such books, papers, records and documents of the said municipal court of the city of New York as the commission, or a majority thereof, may certify it requires for the purposes of said commission.

§ 6. This act shall take effect immediately.

## Chap. 472.

AN ACT to amend the highway law, in relation to laying out, altering or discontinuing highways.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and ninety-two of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 30,  
§ 192  
amended.

§ 192. **Application.** Any person or corporation assessable for highway taxes may make written application to the town superintendent of the town in which he or it shall reside, or is assessable, to alter or discontinue a highway, or to lay out a new highway. <sup>1</sup>Such application must be approved by the written consent, indorsed thereon or attached thereto, of a majority of the members of the town board.

§ 2. This act shall take effect immediately.

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## Chap. 473.

AN ACT to amend chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," in relation to the acquisition of lands for right of way and other purposes.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section four of chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," the title of which was amended by chapter two hun-

L. 1910  
ch. 564,  
§ 4 re-  
numbered  
§ 5; new  
§ 4 added.

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<sup>1</sup> Following sentence new.

dred and fifty-four of the laws of nineteen hundred and eleven, is hereby renumbered section five and a new section four inserted to read as follows:

§ 4. **Acquisition of lands for right of way and other purposes.** If a county road proposed to be constructed, improved, widened or otherwise altered, shall deviate from the line of a county road already existing, or shall necessitate the acquiring of a right of way for such purpose, the board of supervisors of the county where such county road is or shall be located, shall acquire land for the requisite right of way, prior to the actual commencement of the work of construction. The board of supervisors may also acquire lands for the purpose of obtaining gravel, stone or other material, when required for the construction, improvement or maintenance of county roads, or for spoil banks, together with a right of way to such spoil bank, and to any bed, pit, quarry or other place where such gravel, stone or other material may be located. The expenses of acquiring lands for such purposes shall be a county charge.

§ 2. This act shall take effect immediately.

## Chap. 474.

AN ACT to amend the highway law, in relation to reservation superintendents and the custody of moneys for use on Indian reservations.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 30,  
§§ 158, 159,  
as added  
by L. 1910,  
ch. 46,  
amended.

Section 1. Sections one hundred and fifty-eight and one hundred and fifty-nine of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended<sup>1</sup> by chapter forty-six of the laws of nineteen hundred and ten and chapter six hundred and forty-six of the laws of nineteen hundred and eleven,<sup>2</sup> are hereby amended to read as follows:

§ 158.<sup>3</sup> **Appointment and duties of reservation superintendent.** The commission may appoint a reservation superintendent for

<sup>1</sup> Should read "added."

<sup>2</sup> L. 1911, ch. 646 amends § 159. but not § 158.

<sup>3</sup> Section 158 materially amended.

any Indian reservation in the state who shall exercise the powers and perform the duties conferred and imposed upon town superintendents, except that the written statement as provided for by section ninety of the highway law shall be filed with the commission on or before the thirty-first day of October in each year, and excepting that all orders of the Indian reservation superintendent shall be drawn upon and presented for payment as hereinafter provided to the county treasurer of the county in which such Indian reservation or major portion thereof exists.

While any such reservation superintendent shall be acting in that capacity no highway within such reservation shall be laid out, altered, or discontinued, without his consent. Whenever land may be acquired without expense or is dedicated for highway purposes within any Indian reservation, the reservation superintendent in charge thereof may make an order laying out the said highway by filing and recording said order in the town clerk's office of the town in which said highway is located. He shall also file said order with the recording officer of the tribe through whose lands such highway extends.

§ 159. **Custody of moneys, et cetera.** There shall be paid by the state treasurer to the county treasurer of each county in the state containing an Indian reservation, <sup>4</sup>reservations, or major portion of an Indian reservation,<sup>5</sup> an amount which shall not be less than thirty dollars per mile, based on the entire mileage of the public highways within the Indian reservation in such county. All moneys of the state available for the improvement, repair and maintenance of highways and bridges and for the purchase of machinery, tools and implements within Indian reservations shall be paid to the county treasurer of each county containing such Indian reservation or major portion thereof,<sup>6</sup> who shall be the custodian thereof and accountable therefor, and it shall be expended for the repair and improvement of the public highways and bridges and for the purchase of machinery, tools and implements within such Indian reservations at such places and in such manner as may be directed by the commission, and such moneys shall be paid out by the county treasurer upon the written order of the Indian reservation superintendent in accordance with such directions. The county treasurer and the Indian reservation su-

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<sup>4</sup> Word "or" omitted.

<sup>5</sup> Words "or major portion of an Indian reservation," new.

<sup>6</sup> Words "or major portion thereof," new.

perintendent shall keep their accounts according to the methods and use the blanks as prescribed by the commission. All orders and records of accounts shall be filed in the office of the commission on or before the thirty-first day of October in each year and shall be preserved by the commission as Indian reservation records. The reservation superintendent shall receive a per diem or annual allowance as compensation for services and expenses in an amount to be fixed by the commission, which shall be paid by the county treasurer to the reservation superintendent upon orders of the commission. The commission shall annually cause to be inspected all of the bridges within the Indian reservations of each county and shall require a complete report of such inspection which shall show in detail the condition of the bridges inspected, the necessary work to be performed in the repair and maintenance of such bridges and the estimated cost thereof. The commission shall revise such estimates and annually report to the legislature its estimated cost for such repairs and construction for the ensuing year in detail by reservation and county. The maintenance, repair and construction of the public highways within the Indian reservation shall be under the direct supervision and control of the commission and the state superintendent of highways and they shall be responsible therefor as herein provided. There shall be annually appropriated for the construction, repair and maintenance of such highways and bridges and for the purchase and repair of machinery, tools and implements, an amount sufficient to provide therefor, based upon the estimates prepared and submitted by the commission to the legislature. The comptroller upon requisition of the commission shall draw his warrant on the state treasurer in favor of the county treasurer who is the custodian of such funds as herein provided<sup>7</sup> for an amount which shall not be in excess of the total amount apportioned by the commission to the Indian reservation of any county. The moneys so paid shall be deposited by said<sup>8</sup> county treasurer<sup>9</sup> to the credit of the fund for the maintenance, repair and construction of highways and bridges and the purchase and repair of machinery, tools and implements in the Indian reservation of said county.

§ 2. This act shall take effect immediately.

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<sup>7</sup> Words "who is the custodian of such funds as herein provided," substituted for words "in which such highways or bridges are located, or in which machinery, tools or implements are to be purchased."

<sup>8</sup> Word "said" substituted for word "the."

<sup>9</sup> Words "of the county," omitted.



## Chap. 475.

AN ACT to amend the penal law, in relation to false representations concerning securities.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article eighty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding at the end a new section, to be section nine hundred and fifty-two thereof, to read as follows:

§ 952  
added to  
L. 1909,  
ch. 88.

§ 952. **False statement or advertisement as to securities.** Any person, who, with intent to deceive, makes, issues or publishes, or causes to be made, issued or published, any statement or advertisement as to the value or as to facts affecting the value of the stocks, bonds or other evidences of debt of a corporation, company or association, or as to the financial condition of facts affecting the financial condition of any corporation, company or association which has issued, is issuing or is about to issue stocks, bonds or other evidences of debt, and who knows, or has reasonable ground to believe that any material representation, prediction or promise made in such statement or advertisement is false, is guilty of a felony, punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than three years, or by both.

§ 2. This act shall take effect immediately.

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## Chap. 476.

AN ACT to amend the penal law, in relation to reporting or publishing fictitious transactions in securities.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article eighty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the

§ 961  
added to  
L. 1909,  
ch. 88.

original entry of the purchase and signed by the purchaser. The record and statement thus made in such book shall be signed by the person purchasing such substance and may be received in any court against the person receiving such substance and against the person to whom the same is sold as evidence of the transaction recorded and the facts stated therein. Such book and record shall be kept in the regular place of business in the state of New York of such purchaser, and shall be open at all times for inspection by any prosecuting officer in the state or his subordinates and by such persons as may be designated by him. Such book shall be preserved for at least five years after the date of the last entry made therein.

(g) Any person who shall sell, offer to sell, furnish, dispose of or give away alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, except under the conditions and to the persons authorized by this section shall be guilty of a felony. Any dentist, veterinarian or physician who shall dispense such substances to a patient without issuing the certificate required by paragraph (a) to be made and issued by him shall be guilty of a felony. Any druggist or pharmacist who shall fill any prescription issued in violation of this section shall be guilty of a felony.

(h) Any person other than a manufacturer of such substances or a wholesale dealer in drugs or a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist who shall possess any quantity whatever of alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, shall be guilty of a misdemeanor, unless the said possession is authorized by the certificate described in paragraph (a).

(i) Any licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist or manufacturer of such substances or wholesale dealer in drugs, who shall possess any quantity whatever of alkaloid cocaine or its salts or alpha or beta eucaine or their salts, or any admixture, compound, solution or product of which cocaine or eucaine or their salts may be an ingredient, in any place other than the place scheduled in the record herein provided for, shall be guilty of a misdemeanor, except that a duly registered practicing physician, licensed veterinarian or licensed dentist, may carry such substances

for use in his profession, provided the amount so personally carried and the amount kept in the place scheduled in his record shall not together exceed a total of one and one-eighth ounces of such substance. Any person who shall under the provisions of this section be required to record the possession, disposition, sale, purchase or the place of keeping of such substances who shall fail to record the possession, disposition, sale or purchase thereof or the place in which the substances so possessed or purchased are kept, in the manner and after the form prescribed in this section, shall be guilty of a misdemeanor.

(j) Every manufacturer of such substances, wholesale dealer in drugs, licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian and licensed dentist shall keep an accurate record in a book kept for that purpose of all alkaloid cocaine or its salts or alpha or beta eucaine or their salts or any admixture of \*coicaine or eucaine disposed of by him, and the possession in the place designated in the record herein directed by paragraph (e) to be kept of an amount less than the difference between the total amount received by him and the amount shown by his record to have been disposed of, shall be presumptive evidence of a sale of the amount of such substances not accounted for in violation of this section. No record of dispositions of such substances need be made by any physician, veterinarian or dentist, except that such persons shall at least once in each six months record the gross amount of such substances disposed of by him.

(k) Within thirty days after this section takes effect every manufacturer of alkaloid cocaine or its salts or alpha or beta eucaine or their salts, or any admixture, compound, solution or product in which cocaine or eucaine or their salts may be an ingredient, every wholesale dealer in drugs, licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian and licensed dentist shall make a record of the amount of each of said substances possessed by him in a book to be kept for that purpose, which may be the book in which purchases are recorded. Such book shall be kept at the regular place of business of each of said persons in the state of New York; and there shall be specifically stated in such book the amount of each of said substances possessed by the person making the record and the particular place in which the same is kept. Such book shall be

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\* So in original.

open to inspection by any prosecuting officer in the state or his subordinates and by such persons as may be designated by him. Such book and record shall be preserved for at least five years after the date of the last entry made therein. In the event that the amount of said substances possessed at the time this section takes effect by any licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or licensed dentist, shall exceed the amount specified in paragraph (1) of this section, such possession shall not be deemed to be unlawful, provided that the persons possessing the same shall not purchase or acquire in any manner whatever any more of such substances until the amount on hand shall be reduced by lawful disposition thereof to an amount less than that prescribed by paragraph (1). If any of the persons entitled to possess such substances in any amount shall possess an amount in excess of that authorized by paragraph (1) it shall be the duty of each of such persons to report in writing to the state department of health, within thirty days after this act takes effect, the amount of each of such substances possessed by him and the place where the same is kept. Such reports shall be alphabetically filed in the office of the state department of health and shall be open to public inspection. Any person violating the provisions of this paragraph of this section shall be guilty of a misdemeanor.

(1) It shall be unlawful to possess or have in any pharmacy or drug store in this state more than one and one-quarter ounces of alkaloid cocaine or its salts or alpha or beta eucaine or their salts for each duly registered pharmacist or druggist regularly employed in such pharmacy or drug store, provided, however, that in no event shall there be carried in stock in such pharmacy or drug store to exceed five ounces of such substances no matter what number of registered pharmacists or druggists may be employed therein. It shall be unlawful for any physician, dentist or veterinarian to possess more than one and one-eighth ounces of alkaloid cocaine or its salts or alpha or beta eucaine or their salts. Any person who shall violate any of the provisions of this paragraph shall be guilty of a misdemeanor.

(m) This section shall not apply to nor prohibit the regular and ordinary transportation of such substances as merchandise, provided the same shall be labeled and sealed as prescribed in this section, nor to the possession of such substances by duly authorized officials charged with the enforcement of the law when such substances are possessed by them in pursuance of their offi-

cial duties and in connection with the apprehension and prosecution of persons offending against this section.

(n) It shall be lawful for one person in the regular employ of each public hospital or dispensary in this state, to be selected and designated by the managers or board of trustees of such hospital or dispensary to purchase and possess alkaloid cocaine or its salts or alpha or beta eucaine or their salts, provided such purchase and possession shall be for the exclusive use of such hospital or dispensary and provided that such substances shall be kept within the hospital buildings or dispensary. The amount of such substances so possessed shall not exceed five ounces at any one time, and the person so designated by such managers or trustees of such hospital or dispensary shall keep the same record of purchases and dispositions as is hereinabove directed to be kept by other persons purchasing and possessing cocaine or eucaine or their salts, and he shall be liable to the same penalties as hereinabove provided. The record directed herein to be kept shall be open to inspection by the same authorities as are hereinabove provided, and the record shall be preserved in such hospital or dispensary for at least five years after the date of the last entry made therein.

§ 3. This act shall take effect immediately.

## Chap. 471.

AN ACT to provide for a commission on the codification of the practice and procedure in the municipal court of the city of New York and to simplify, revise and amend the pleadings, practice and procedure therein, and to provide rules for the conduct of the court, justices, clerks and attaches thereof and the marshals attached to the said court.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Within ten days after the enactment of this act, the mayor of the city of New York shall appoint a commission of eleven, all of whom shall be residents of the city of New York, and who shall serve without compensation, for the purpose of trans-

Appoint-  
ment of  
commis-  
sion.

Duties.

mitting to the legislature of the state of New York then in session, and on or before the first day of February, nineteen hundred and fourteen, a revised, codified or amended act for the practice and procedure in the municipal court of the city of New York. The said commission shall examine the present laws and the rules with respect to the practice and procedure in the said court, and shall revise, codify, simplify and amend the law and rules affecting the practice and procedure of the said court, the pleadings therein and the practice thereof.

Eligibility  
of commis-  
sioners.

§ 2. The commission to be appointed shall consist of two justices of the supreme court, three justices of the municipal court of the city of New York, three attorneys and counsellors at law of the state of New York, of at least ten years' standing, one member of the senate to be nominated by the president of the senate and two members of assembly to be nominated by the speaker of the assembly. One of the commissioners shall be designated by the mayor as the chairman.

Chairman.

City au-  
thorized to  
appro-  
priate  
money.

§ 3. Authority is hereby conferred upon the board of estimate and apportionment of the city of New York to appropriate the sum of five thousand dollars, or as much thereof as may be necessary to pay for the expense of the said commission, which shall include stationery, clerks, stenographers and other reasonable and necessary disbursements, but the whole expense shall in no event exceed five thousand dollars. To provide for the said sum of five thousand dollars, or so much thereof as may be necessary, certificates of indebtedness may be sold or the same may be raised by the transfer of an unexpended balance or balances, or by such means as the board of estimate and apportionment of the said city of New York shall adopt.

Money,  
how  
raised.

Disburse-  
ments.

§ 4. The necessary disbursements of the commission, not exceeding the sum of five thousand dollars, shall be paid by the comptroller of the city of New York, upon the audit and order of the chairman of the said commission.

Power to  
have books,  
etc., pro-  
duced.

§ 5. Power is hereby conferred upon the said commission to call for and have produced before it, for its inspection and examination, such books, papers, records and documents of the said municipal court of the city of New York as the commission, or a majority thereof, may certify it requires for the purposes of said commission.

§ 6. This act shall take effect immediately.

## Chap. 472.

AN ACT to amend the highway law, in relation to laying out, altering or discontinuing highways.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and ninety-two of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 30,  
§ 192  
amended.

§ 192. **Application.** Any person or corporation assessable for highway taxes may make written application to the town superintendent of the town in which he or it shall reside, or is assessable, to alter or discontinue a highway, or to lay out a new highway. <sup>1</sup>Such application must be approved by the written consent, indorsed thereon or attached thereto, of a majority of the members of the town board.

§ 2. This act shall take effect immediately.

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## Chap. 473.

AN ACT to amend chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," in relation to the acquisition of lands for right of way and other purposes.

Became a law May 9, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section four of chapter five hundred and sixty-four of the laws of nineteen hundred and ten, entitled "An act to provide for county roads in certain counties adjoining cities of the first class," the title of which was amended by chapter two hun-

L. 1910  
ch. 564,  
§ 4 re-  
numbered  
§ 5; new  
§ 4 added.

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<sup>1</sup> Following sentence new.



## TITLE I.

## INCORPORATION; CITY AND WARD BOUNDARIES; DEFINITIONS.

Section. 1. Short title; public act.

2. Corporate powers.

3. City boundaries.

4. Ward boundaries.

5. Definitions and interpretations.

Section 1. **Short title; public act.** This act is a public act, of which the courts shall take judicial notice, and shall be liberally construed so as to carry into effect the object and purposes thereof, and shall be known and cited by the short title of "Rensselaer city charter."

§ 2. **Corporate powers.** The citizens of the state of New York, from time to time inhabitants of the territory comprised within the boundaries of the city of Rensselaer, as hereinafter defined and set forth, shall be and continue to be a municipal corporation in perpetuity under the corporate name of the "city of Rensselaer," and the same shall in that name be a body politic and corporate in fact and in law, with power of perpetual succession. The city has power to take and receive by gift, grant, devise, bequest, purchase, or condemnation proceedings, and to hold and to convey, such personal estate and such real estate, within and without the limits of the city, as the purposes of the corporation may require; to take by gift, grant, bequest and devise and hold real and personal estate absolutely or in trust for any public use, including that of education, art, ornament, health, charity or amusement, for parks or gardens or for the use or erection of statues, monuments, buildings or structures, on such terms or conditions as may be prescribed by the grantor or donor and accepted by said corporation and to provide for the proper administration of the same; to contract and be contracted with; to sue, to be sued and to defend in any court; to make, have, use and alter at pleasure a common seal; to have and exercise all other rights and privileges conferred upon it by law or necessary to carry out its corporate functions and duties; to have and to exercise all the rights and privileges, functions, immunities and powers now prescribed and exercised by it under existing or subsequent law, and not inconsistent with the provisions of this act.

§ 3. **City boundaries.** The city of Rensselaer in the county of

Rensselaer, is bounded and described as follows: Beginning at a point in the west line of Rensselaer county, due west of the point next hereinafter mentioned, and running thence east to an iron pin driven in the middle of the bed of Dead creek at its mouth, running thence south seventy-six degrees thirty minutes east, five hundred and fifty-nine and six-tenths feet, to an iron pin driven into the ground on the east side of the road; thence north seventy-four degrees thirty-five minutes east, twenty-three hundred and forty-five and two-tenths feet to an iron pin driven into the ground in the west line of the land of the Boston and Albany Railroad Company; thence north seventeen degrees forty-two minutes east, forty-seven hundred and seventy-one and seven-tenths feet along the west line of the Boston and Albany railroad property to an iron pin driven into the bed of a creek; thence south sixty-five degrees thirty-one minutes east, seven hundred and one and four-tenths feet to an iron pin driven into the ground at the Sulphur Spring; thence south eighty-three degrees fifty-two minutes east, seventeen hundred and forty-three and four-tenths feet to an iron pin driven into the ground near an elm tree at the junction of two roads in front of Irwin's house; thence north two degrees three-tenths of a minute west, fifteen hundred and seventy-seven and three-tenths feet to an iron pin driven into the ground near Aiken's hill; thence north thirty-four degrees east, thirty-one hundred and thirty-two and six-tenths feet to a willow tree in Partition street, into which a nail is driven; thence north sixteen degrees thirty-two minutes east, two thousand and six and three-tenths feet to a white oak tree back of Wesley O. Howard's barn; thence north thirty-four degrees forty-two minutes east, eighteen hundred and thirty-seven and eight-tenths feet to a chestnut tree at the edge of a bank east of the state rifle range; thence south fifty-four degrees thirty-two minutes east, three hundred and twenty and seven-tenths feet to an iron pin driven into the ground at a fence corner; thence north fifty-one degrees thirteen minutes east, nine hundred and eighty-two and four-tenths feet to an oak tree in a fence line, southeast of the butt in the state rifle range; thence north seventy-six degrees twenty-seven minutes east, six hundred and ninety-five and two-tenths feet to an iron pin driven into the ground at a fence corner; thence north thirty-one degrees twenty-eight minutes east, seven hundred and fourteen and five-tenths feet to an iron pin in a creek; thence south fifty-eight degrees fifteen minutes east, forty-nine hundred and thirty-four and three-tenths

feet to an iron pin in a field; thence north eight degrees forty-one minutes east, twenty-two hundred and forty-two and five-tenths feet to a large elm tree; thence north thirty degrees fifty-seven minutes west, eighteen hundred and seventeen and four-tenths feet to an iron pin in a fence line; thence north forty-eight degrees fourteen minutes west, forty-nine hundred and eighty and one-tenth feet to a beacon in the Hudson river; thence by shortest course to the west line of Rensselaer county; thence down and along said west line to the place of beginning.

§ 4. **Ward boundaries.** The said city shall be divided into nine wards, bounded respectively as follows:

**First ward.** All that part of said city bounded as follows: Beginning at a point in the east line of the present city of Rensselaer at the center of Mill creek, and running from said point westerly down along the center of said Mill creek to the east line of the Boston and Albany railroad property; thence north along the east line of said railroad property to the center of William street; thence westerly through the center of William street to the center of Mill creek; thence northerly along the center of Mill creek to the center of Third avenue; thence westerly through the center of Third avenue to the center of Walker street; thence southerly along the center of Walker street to the center of Second avenue; thence westerly through the center of Second avenue to the Hudson river; thence westerly along the center line of Second avenue extended to the west boundary line of said city of Rensselaer; thence southerly along said west boundary line to a point opposite the center of Aiken avenue; thence easterly to the center of Aiken avenue and along the center of Aiken avenue to the east line of the Boston and Albany railroad property; thence easterly along the center of the town road up Johnson hill to the present east boundary line of the city of Rensselaer; thence northeasterly along said east boundary line to the place of beginning.

**Second ward.** All that part of said city bounded as follows: Beginning at a point in the east line of the present city of Rensselaer at the center of Mill creek, and running from said point westerly down along the center of said Mill creek to the east line of the Boston and Albany railroad property; thence north along the east line of said railroad property to the center of William street; thence westerly through the center of William street to the center of Mill creek; thence northerly along the center of Mill creek to the center of Third avenue; thence westerly through the

center of Third avenue to the center of Walker street; thence southerly along the center of Walker street to the center of Second avenue; thence westerly through the center of Second avenue to the Hudson river; and thence westerly along the center line of Second avenue extended to the west boundary line of said city of Rensselaer; thence northerly along said west line of said city to a point where the north line of McCullough street produced, intersects the said west line of said city; thence easterly along the said north line of McCullough street produced to a point in the east line of Broadway; thence easterly along the north line of McCullough street and the north line of McCullough street extended to a point in the east line of the property of the Boston and Albany Railroad Company; thence southerly along the east line of said railroad company's property to the center of Third avenue; thence easterly along the center of Third avenue to the east line of the present city of Rensselaer, and thence southerly along said east line to the place of beginning.

Third ward. All that part of said city bounded as follows: Beginning at a point in the east boundary line of the city of Rensselaer at the center of Third avenue and running from said point westerly through the center of Third avenue to the east line of property owned by the Boston and Albany Railroad Company; thence northerly along said east line of said railroad company's property to a point where the north line of McCullough street extended intersects the said east line of said railroad company's property; thence easterly along a continuation of the said north line of McCullough street to the center of East street; thence northerly along the center of East street to the center of Willow formerly East Eighth street; thence easterly along the center of Willow street to the center of Lawrence street; thence southerly along the center of Lawrence street to the center of a road or street known as Willow street continued; thence easterly along the center of Willow street continued to the center of Cottage Hill street; thence easterly at right angles with Cottage Hill street to the east line of the present city of Rensselaer; thence southerly along said east line of said city to the place of beginning.

Fourth ward. All that part of said city bounded as follows: Beginning at a point in what was the north line of the city of Rensselaer on January first, nineteen hundred and one, at the center of First street and running from said point southerly along the center of First street to the center of Partition street; thence

easterly through the center of Partition street to the center of East street; thence southerly through the center of East street to a point where the north line of McCullough street extended westerly would intersect it; thence westerly along said north line of McCullough street produced and the north line of McCullough street to a point in the east line of Broadway; thence westerly along a line which is the extension of the north line of McCullough street to a point in the west boundary line of the city of Rensselaer; thence northerly along said west line of the city of Rensselaer to a point where the south line of McNaughton avenue extended westerly would intersect the westerly line of said city; thence easterly along the south line of McNaughton avenue to a point in the center line of First street; thence southerly to the place of beginning.

Fifth ward. All that part of said city bounded as follows: Beginning at a point where the center line of Harrison avenue extended intersects the east line of the city of Rensselaer, and running from said point westerly along the center line of Harrison avenue extended and Harrison avenue to the center of First street; thence southerly along the center line of First street to the center of Partition street; thence westerly along the center line of Partition street to the center of East street; thence southerly along the center line of East street to the center of Willow formerly East Eighth street; thence easterly along the center line of Willow street to the center of Lawrence street; thence southerly along the center line of Lawrence street to the center of the road or street or road known as Willow street continued; thence easterly through the same to the center of Cottage Hill street, and thence easterly at right angles with the center line of Cottage Hill street to the east line of city of Rensselaer; thence northerly along the said east line to the place of beginning.

Sixth ward. All that part of said city bounded as follows: Beginning at a point where the center line of Harrison avenue intersects the center line of First street, and running thence easterly along the said center line of Harrison avenue and the same extended to the east line of said city; thence northerly along said east line to the point where the same is intersected by the south line of McNaughton avenue extended; thence westerly along said McNaughton avenue extended and McNaughton avenue to the center line of First street; thence southerly along said last mentioned line to the place of beginning.

Seventh ward. All that part of the city which lies west of a line starting at the intersection of the south line of McNaughton avenue with the center line of Second street, and running thence north along the center line of Second street and Second street produced to the boundary line of said city, and north of the south line of McNaughton avenue extended to the west line of said city.

Eighth ward. All that part of the city which lies east of a line starting at the intersection of the center line of McNaughton avenue with the center line of Second street; and running thence north along the center line of Second street and Second street produced to the boundary line of said city.

Ninth ward. All that part of the city which lies south of the center line of Aiken avenue and east of the first, second and third wards.

§ 5. **Definitions and interpretations.** The word "his" as used in this act, shall in all proper cases be held to include and be co-extensive with the words "her," "it" and "their;" the word "person" shall be held to include and be coextensive with the words "persons," "company," "joint-stock association," and "corporation;" the word "street" shall be held to include and be co-extensive with "road," "bridge," "avenue," "square," "lane," "highway" and "alley;" the word "work" shall be held to include and be coextensive with "improvements" and "repairs;" the word "materials" shall be held to include and be coextensive with "supplies," "stationery," "books," "furniture" and "repairs to furniture;" the word "assessment" shall in all proper cases be held to include and be coextensive with "tax;" the word "tax" shall in all proper cases be held to include and be coextensive with "city tax" or "state and county tax," "assessment or reassessment for local improvements;" "local improvements" includes the construction of curbs, sidewalks, and the opening, extending, widening and grading of streets; "officer" includes all persons elected to office by the electors of the city or any division thereof; the heads of departments, the members of all boards and commissions appointed by the mayor or common council; the board of estimate and apportionment may by resolution designate any other person an officer and when so designated, such person shall be deemed an officer within the meaning of this section; "employee" includes all persons other than an officer, as herein defined, whose salary or compensation is paid out of the city treasury; the word "commission" includes board, department, court.



or officer and in proper cases "common council;" the words "the board," "the department," "the court," "the commissioner," used in any title, mean the board, department, court or commissioner whose duties and powers are prescribed in such title. The singular noun shall be held to include and be coextensive with the plural. The term "resolution" includes all motions, orders, rules, regulations and by-laws other than "ordinances." The word "city" shall mean the city of Rensselaer. The term "real property" as used in this act, includes all land, land under water, the water of any pond or stream, all easements and hereditaments, corporeal and incorporeal, and every estate, interest and right, legal and equitable, in lands, streets or water or any privilege or easement therein including terms for years and liens thereon by way of judgment, mortgage or otherwise, and all claims for damages to such real property.

"Quorum and majority." Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly as a commission or a similar body, a majority of all such persons or officers at a meeting duly held at a time fixed by law or by any by-law duly adopted by such commission or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them may perform and exercise such power, authority or duty, and if one or more of such persons or officers shall have died or resigned or have become mentally incapable of acting or shall refuse or neglect to attend any such meeting, a majority of the whole number of such persons or officers shall be a quorum of such board or body, and a majority of a quorum, if not less than a majority of the whole number of such persons or officers may perform and exercise any such power, authority or duty.

"Adjournment of meeting." Any meeting referred to in this act may be adjourned by a less number than a quorum.

The words "calendar day." A calendar day includes the time from midnight to midnight; Sunday or any day of the week specifically mentioned means a calendar day.

"Notice." When a notice is required to be given to a commission or body, service of such notice upon the clerk or chairman thereof shall be sufficient.

The term "public or municipal use," as used in this act, in addition to uses specifically mentioned in this act, includes uses



for purposes of education, art, ornament, charity, amusement, recreation, health, safety, comfort and convenience.

## TITLE II.

### OFFICERS; GENERAL POWERS AND DUTIES, ELECTION AND APPOINTMENT THEREOF.

- Section 11. Eligibility of city officers; vacancy created by change of residence.
12. Elective city officers enumerated; their terms of office and compensation.
  13. General city elections.
  14. Canvass of votes at annual city elections.
  15. Removal of elective officers.
  16. Appointive officers enumerated.
  17. Notice of appointment.
  18. Terms of office of appointive officers.
  19. Suspension and removal of appointive city officers.
  20. Compensation of appointive city officers.
  21. Official year.
  22. Commencement and expiration of terms of office; holding over.
  23. Vacancies.
  24. Resignations.
  25. Additional fees or compensation not to be paid.
  26. Removal of employees.
  27. Removed officer not eligible for re-election or appointment.
  28. Appointee to be a member of same political party as predecessor.
  29. General duties and powers of officers and commissions.
  30. Oath of city officers.
  31. Official bonds of city officers.
  32. Officers not to be interested in contracts.
  33. Officers, trustees of public property.
  34. Office hours.
  35. City officers authorized to administer oaths and take acknowledgments.
  36. Searches and files in public offices.

37. Annual reports of departments.

38. Granting and revocation of licenses.

39. Official misconduct; acts prohibited.

**§ 11. Eligibility of city officers; vacancy created by change of residence.** No person shall be elected or appointed to any city office unless at the time of his election or appointment he be of full age and be a citizen of the United States, and, except to the office of city engineer, a resident of said city; nor to the office of supervisor unless at the time of his election he be a citizen of the United States and a resident of one of the wards included in the supervisor district for which he shall be elected; nor to any ward office, unless, at the time of his election or appointment, he be a citizen of the United States, and a resident of the ward for which he is elected or appointed; and whenever any officer of said city shall cease to be a resident of said city, or of the supervisor district, or of the ward for which he was elected or appointed, his office shall thereupon become vacant.

No person shall at the same time hold more than one office under the city government, except that a commissioner of deeds may hold any other city office; upon the acceptance by an officer of a second office, the first office shall become vacant. No person ever convicted of a felony shall be eligible to be elected or appointed to any city office.

No two assessors shall reside in the same ward.

The corporation counsel of said city shall be an attorney and counselor at law, duly admitted to practice in the supreme court of the state of New York.

The city engineer, at the time of his appointment, must be a civil engineer of at least five years' practical experience in his profession, and a graduate of an institution maintaining a standard satisfactory to the requirements established by the New York state civil service commission.

**§ 12. Elective city officers enumerated; their terms of office and compensation.** The elective officers of the city to be elected by the electors of the city at large shall be: A mayor, whose term of office shall be two years and whose annual salary shall be one thousand dollars; a president of the common council, whose term of office shall be two years and who, except as otherwise herein provided, shall have the same salary as an alderman; a city judge, whose term of office shall be two years and whose

annual salary shall be nine hundred dollars; except as herein otherwise provided, three assessors whose terms of office shall be two years, and whose annual salary shall be four hundred dollars each. The office of assessor shall be abolished whenever the common council shall make operative the provisions of title sixteen of this act, relative to the appointment of and assessment by a commissioner of assessment and taxation.

The elective officers of the respective supervisor districts hereinafter created shall be, one supervisor from each of the supervisor districts hereinafter created, and whose term of office shall be two years, and who shall each receive the same compensation for his services as supervisors of the towns are entitled to receive for like services.

The elective officers of the city to be elected by the electors of each ward shall be one alderman, whose term of office shall be two years. Each alderman shall receive sixteen dollars per month for each and every month wherein he has attended every stated regular meeting of the common council, and every meeting of every committee of which he is a member, and provided further that he has been present at every special meeting of the common council arranged for by vote of said common council, whether such meeting be in the council chamber or elsewhere; and in the event of any alderman failing to be present at any meeting as aforesaid there shall be deducted from his monthly salary the amount of five dollars for every stated regular meeting he shall have omitted to attend during the month, and two dollars for every special meeting of the council or meeting of such committee he shall have failed to attend.

§ 13. General city elections. An election for officers of the city shall be held annually on the Tuesday next succeeding the first Monday in November at the time and places fixed for holding the general election on that day. Such election shall be conducted in the same manner that general elections in cities are by law required to be conducted, and all the provisions of the election law shall be applicable to the election for officers in such city. At every such election a successor shall be elected to each elective city officer, whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, except as hereinafter expressly provided, shall be given by the mayor and common council by notice to be published in the official newspaper of said city at least once in

each week for two consecutive weeks immediately preceding the holding of such election, which notice shall be signed by the mayor and city clerk and shall designate the officers to be voted for at such election and the location of each polling place.

Inspectors of election shall canvass all votes cast for city officers, make and declare a tally sheet and statement of the result in the same manner as required by the general laws of this state, and file the same immediately with the city clerk except as otherwise provided in this act. The city clerk shall at least one week before the day fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election in writing of his appointment as such inspector and of each day for the meetings of the board of registry in each election district of the city and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall be then and there entitled to vote for all officers to be elected by the city at large and for all officers to be elected in his ward and supervisor district. Except as hereinafter provided, each ward of the city shall constitute an election district until some further division shall be made pursuant to the general election law.

The inspectors of election and such other officers as are authorized to be appointed by the general election law shall be appointed as provided therein and have such compensation as shall be allowed by the common council and approved by the board of estimate and apportionment.

§ 14. **Canvass of votes at annual city elections.** Except as herein otherwise provided, the common council of said city shall meet as a board of city canvassers on the Thursday following each annual and taxpayers' election. The city clerk shall present to the common council at such meeting the certified tally sheets and statement of the result of such election in the several election districts of the city as delivered to him by the inspectors of election of such districts. The common council shall canvass such tally sheets and certified statements and determine and declare the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person was elected to each office respectively. The persons having the greatest number of votes for the respective offices to be filled for the whole city and those having the greatest number of votes for the offices to be filled by

the several wards and supervisor districts shall be declared duly elected to such offices. The city clerk shall enter such determinations and declarations in the minutes of the meeting. In the event of a tie at any such annual city or taxpayers' election the common council shall at its first regular meeting thereafter fill by appointment the office for which the vote is tied for a full term, and shall determine whether the proposition or propositions shall or shall not be adopted.

§ 15. **Removal of elective officers.** The governor of the state may remove the mayor from office at any time on presentation of charges against him for disability, for serious neglect or dereliction of official duty or incompetency, or incapacity to perform his official duties, or some delinquency materially affecting his general character or fitness for the office, after affording him an opportunity to be heard, as provided by the public officers law for the removal of county treasurers. The city judge may be removed by the same court and in the same manner as now or hereafter may be provided for the removal of justices of the peace of towns. Except as otherwise provided, any other elective officer may be removed by a two-thirds vote of the common council, on any of the grounds for which the mayor may be removed, upon written charges being preferred to the mayor, after reasonable notice thereof and reasonable opportunity to be heard thereon have been given by the common council. Such notice shall be given by personal service or service by mail of a written copy of such charges, with the date set for the hearing thereon, at least ten days before the date set for such hearing. Pending such investigation the mayor may suspend any such officer.

§ 16. **Appointive officers enumerated.** There shall be appointed by the mayor a corporation counsel, city clerk, city treasurer, city engineer, commissioner of public works, commissioner of public safety, two commissioners of charities, one from each charity commissioner district hereinafter created, three commissioners of education, three civil service commissioners, nine library commissioners, a health officer, two water commissioners and a commissioner of assessments and taxation when prescribed by this act, and a sealer of weights and measures. The common council may appoint not exceeding four city marshals and as many commissioners of deeds as it may deem necessary. Other officers may be appointed as provided in this act, or otherwise by law.

All appointments to any city office shall be evidenced by a cer-

tificate in writing, signed by the appointing officer and filed forthwith in the office of the city clerk. If any appointment be made by the common council such certificate shall be signed by the officer presiding at the time the appointment was made and attested by the clerk thereof.

§ 17. **Notice of appointment.** Upon the appointment of any officer, the mayor, common council, commission or other officer making the appointment, shall forthwith file a certificate of such appointment with the city clerk. Immediately after the filing of said certificate, the city clerk shall give notice in writing to each person of his appointment to office.

§ 18. **Terms of office of appointive officers.** Where the term of office of an appointive officer is not specifically fixed by statute it shall be deemed to continue only during the pleasure of the common council, officers or commission authorized to make the appointment, and except members of the education commission, the library commission, the city development commission, the water commission and the board of examining plumbers, no appointive officer shall hold beyond the term of the officer appointing him. The term of office of each appointive officer shall commence on the day succeeding his appointment unless a different time is specified in the certificate of appointment. The elective officers required by law, and all other officers required by general laws to be appointed, except as otherwise herein provided, shall be chosen for the term and shall possess the powers and perform the duties prescribed by the provisions of the general laws relating thereto.

§ 19. **Suspension and removal of appointive city officers.** The mayor may orally or in writing suspend, for ten days or less, at any one time, any officer of said city appointed by him or by the common council, but he shall not suspend the same person more than twice in any one year; in case of the suspension of any officer appointed by the common council, the mayor shall forthwith report to the common council the reason of such suspension, and may also file charges against such officer on any of the grounds for which the mayor may be removed, as provided herein; it shall then be the duty of the common council forthwith to hear such charges in the same way as provided for trial by it of charges preferred against an elective officer, and the common council shall, by a vote of the majority, remove such officer, if, in its judgment, the charges are sustained.

The mayor may after a hearing remove any officer appointed by him. The common council may suspend for a period not exceeding ten days, or during the pendency of charges, any officer appointed by it for any cause by it deemed sufficient.

§ 20. **Compensation of appointive officers.** The following appointive officers shall receive the following annual salaries: City clerk, twelve hundred dollars; city treasurer, twelve hundred dollars; corporation counsel, one thousand dollars; commissioner of public works, nine hundred dollars; commissioner of public safety, nine hundred dollars; city engineer, five hundred dollars; health officer, five hundred dollars; charity commissioner, two hundred dollars; sealer of weights and measures, one hundred and twenty dollars; each commissioner of education shall receive eight dollars per month for each and every month wherein he has attended every stated regular meeting of the education commission, and every meeting of the committee of which he is a member, and provided that he has been present at every special meeting of the education commission arranged for by vote of said commission, and in the event of any commissioner failing to be present at any meeting as aforesaid, there shall be deducted from his monthly salary the amount of five dollars for every stated regular meeting he shall have omitted to attend during the month, and one dollar for every special meeting he shall have failed to attend.

§ 21. **Official year.** The official year of the city shall commence with the first day of January in each year.

§ 22. **Commencement and expiration of terms of office, holding over.** The term of office of each officer elected at the annual city election shall commence with the first day of January next succeeding. Every city officer shall continue to hold office until his successor shall be chosen and shall qualify, and no longer.

§ 23. **Vacancies.** Vacancies in elective offices arising otherwise than by expiration of term are filled as follows: If a vacancy occur otherwise than by expiration of term, in an elective office of the city, including that of supervisor, the mayor shall appoint a person to fill such vacancy. The person so appointed to such vacancy, if the office be not made elective by the constitution, shall hold office for the balance of the unexpired term. If such vacancy occur in the office of mayor or in an office made elective by the constitution, the term of office of the person so appointed shall be until the commencement of the political year next succeeding the first annual election after the happening of the vacancy at which



a successor can be elected, and a successor for the balance of the unexpired term, if any, shall be chosen at the next city election happening not less than twenty days after such vacancy occurs.

If a vacancy shall occur in an appointive office of the city, otherwise than by expiration of term, the officer, officers, or body authorized to make appointments to office for a full term shall appoint a person to fill such vacancy for the balance of the unexpired term.

§ 24. **Resignations.** Resignations of elective officers shall be made in writing and presented to the mayor, and of all other officers to the appointing board or officer and the board or officer to whom such resignation is presented must thereupon file the same in the office of the city clerk. The resignation of the mayor must be made and presented to and filed by the city clerk.

§ 25. **Additional fees or compensation not to be paid.** No officer or employee of the city, except corporation counsel, city marshal, commissioner of deeds and city officers acting as commissioners of deeds, shall have or receive any perquisites, compensation or fees for services pertaining directly or indirectly to the duties of his office, in addition to his salary; and all perquisites, compensation and fees paid to and received by any such officer for services pertaining directly or indirectly to the duties of his office, other than his salary received from the city shall be the property of the city, and shall be paid by the officer receiving the same into the city treasury. The compensation of all officers and employees in the several departments shall not exceed in the aggregate the appropriation made by the common council for that purpose.

§ 26. **Removal of employees.** Except as otherwise provided in this act, any commission or officer may appoint, suspend without notice and in the manner herein prescribed remove for cause any employee of their or his commission or office. In the case of a desired removal, the commission or officer shall serve written charges on the employee and shall give him a hearing, at which all the testimony in the matter shall be taken under oath and reduced to writing. If, in the judgment of the commission or officer, such testimony is sufficient to warrant the removal of the employee, the commission or officer may remove the employee and shall forthwith file in the office of the city clerk the testimony together with written statement of the reason for the removal signed by a majority of the commission or by the officer. Laborers may be removed without any notice or hearing. Nothing

herein contained shall be construed to limit or amend the civil service laws of the state.

§ 27. **Removed officer not eligible for re-election or appointment.** No elective officer who has been removed from office under any provision of this act shall be eligible for election or appointment to fill the vacancy caused by his removal.

§ 28. **Appointee to be a member of same political party as predecessor.** In a case of a vacancy from any cause in any elective office, the person appointed to fill such vacancy until a successor is elected shall be a member of the same political party as the last incumbent of the office.

§ 29. **General duties and powers of officers and commissions.** The officers, boards and commissions elected or appointed pursuant to this act shall, in addition to the powers and duties specified herein, possess and exercise such powers and perform such duties as may from time to time be prescribed by law or ordinance of the common council, and not inconsistent with the provisions of this act, and so far as applicable shall have all the powers and perform all the duties conferred by general law upon corresponding officers, commissions, boards or departments of the cities and towns of this state.

§ 30. **Oath of city officers.** Every person elected or appointed to any office under this act, shall, before assuming the same, take the oath of office prescribed by the constitution of this state, and file the same in the office of the city clerk, and every person who shall omit to take and file his oath of office within the time prescribed by law, shall be deemed to decline the office and said office shall thereupon become vacant. Each commissioner of deeds and each city officer who by the provisions of this act is given the same powers as commissioners of deeds, shall forthwith upon his election or appointment, file a certificate of such election or appointment, to be issued by the city clerk with and also take the prescribed constitutional oath of office before the clerk of the county of Rensselaer.

§ 31. **Official undertakings of city officers.** Except as otherwise provided by this act, the city judge, city treasurer, city clerk, commissioner of public works, city marshal, and all officers required by this act, by general law, or by the common council, to give a bond, shall severally before they enter upon the duties of their offices, make, execute and deliver a bond to the city of Rensselaer in such penal sum as this act, the general law, or the com-

mon council, directs, and with such sureties as the mayor and common council approve, conditioned that they shall faithfully discharge the duties of their respective offices and promptly account for and pay over all moneys or property received by them respectively as such officers, in accordance with law. All official bonds, except as otherwise herein provided, shall be filed with the city clerk. Any officer failing to comply with the foregoing provisions shall be subject to the penalties and liabilities prescribed by law. If the surety on an official undertaking be a fidelity or surety corporation the premium therefor shall be paid as is provided by section eleven of the public officers law.

§ 32. **Officers not to be interested in contracts.** No member of the common council or other officer or employee of the city, or person receiving a salary or compensation from funds appropriated by the city, shall be interested directly or indirectly in any contract to which the city is a party, either as principal, surety or otherwise; nor shall any such member of the common council, city officer, or employee, or person or his partner, or any agent, servant, or employee of such officer, employee or person, or of the firm of which he is a partner, purchase from or sell to the city, or any officer thereof, any real or personal property, for the use of the city, or any commission or officer thereof, nor shall he be interested, directly or indirectly, in any work to be performed for, or services rendered to or for it, or in any sale to or from said city, or to any officer, commission or person in its behalf. Any contract made in violation of any of these provisions shall be void. A person shall not be deemed to be interested in a contract, purchase or sale made by a corporation with, from or to the city solely by reason of the fact that he is a stockholder or trustee of such corporation. The term "city officer" as used here, however, shall not be deemed to include commissioner of deeds.

§ 33. **Officers, trustees of public property.** The common council and the several members thereof, and all officers and employees of the city are hereby declared trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every taxpayer residing in said city is hereby declared to be a cestui que trust in respect to the said property, funds and effects respectively; and any cotrustee or any cestui que trust shall be entitled as against said trustees and in regard to said property, funds and effects to the benefit of all the rules, remedies and privi-

leges provided by law for any cotrustee or cestui que trust; and to prosecute and maintain an action to prevent waste and injury to any property, funds and estate held in trust; and such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any cotrustee or cestui que trust aforesaid. The remedies herein provided shall be in addition to those now provided by law.

§ 34. **Office hours of clerk and treasurer.** Unless otherwise provided by law the offices of the city clerk and city treasurer shall be kept open for the transaction of business each day in the year, Sundays and legal holidays excepted, from eight-thirty o'clock in the forenoon until five o'clock in the afternoon, except during the months of July and August, when the same may be closed at noon on Saturday of each week.

§ 35. **City officers authorized to administer oaths and take acknowledgments.** The mayor, president of common council, corporation counsel, commissioner of public works, commissioner of public safety, and the city clerk shall each have within the city of Rensselaer the power of commissioners of deeds of the city of Rensselaer.

§ 36. **Searches and files in public offices.** A person, having the custody of the records or other papers in a public office within the city, must, upon request, and payment of, or offer to pay, the fees allowed by law, or, if no fees are expressly allowed by law, fees at the rate allowed to the county clerk for similar services, diligently search the files, papers, records and dockets in his office, and either make one or more transcripts therefrom and certify the correctness thereof and of the search, or certify that a document or paper of which the custody legally belongs to him cannot be found. Where a public officer is required, by law, to keep an account of, or to pay over, the fees or other moneys received by him for official services, he must include therein all sums received by him, to which he was entitled, by reason of any act performed by him in his official capacity, whether the act did or did not pertain to his office or to the business thereof.

§ 37. **Annual reports of departments.** The several heads of departments shall present to the mayor annually, on or before the tenth day of January, a report of their proceedings during the preceding year. The mayor shall transmit the same to the common council with any recommendation he may deem proper to

make, but nothing in this section contained shall be construed to relieve such heads of departments from furnishing such other information as may be required by the mayor at any time.

§ 38. **Granting and revocation of licenses.** Any commission or officer authorized by law or ordinance of the common council to grant any license, shall have discretionary power to grant or refuse the same, and the common council may provide that any license, right or permission granted under or by virtue of an ordinance thereof may be revoked by the officers or commission issuing the same, either summarily in his or its discretion, or after a hearing, upon a violation of the laws of the state or of the ordinances of the common council by the person or corporation to whom the same was granted or who is acting under or using the same, or his or its agents, servants or employees.

§ 39. **Official misconduct; acts prohibited.** If any officer of the city shall vote for any appropriation or for the payment or expenditure of any moneys not authorized by or in pursuance of law, such officer shall be guilty of a misdemeanor. If the common council or any commission shall pass any resolution authorizing or purporting to authorize, or any officer or head of any department authorize any expenditure of money, by the city, for any purpose exceeding the amount authorized by or in pursuance of law, to be expended for such purposes, each officer voting for such resolution in making such authorization shall be personally liable for the amount thereof. Each city officer shall upon the expiration of his term deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the city or pertaining to such office. If he shall fail to do so within five days after notification and request by his successor, he shall be liable to a penalty of one hundred dollars to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal so to do, and he may also be proceeded against as otherwise provided for by law.

### TITLE III.

#### MAYOR.

Section 45. Executive power.

46. Acting mayor.

47. The secretary and assistants.

48. Duties of mayor.

49. Consultations with heads of departments.

- 50. Execution of deeds and contracts.
- 51. Examination of books and accounts.
- 52. Mayor may suspend work.
- 53. Additional powers and duties.
- 54. Permits for erection of booths and arches.

§ 45. **Executive power.** The executive power of the city is hereby vested in the mayor and in such executive officers and commissions as are or may be created by law or by ordinance of the common council. The mayor shall also have and exercise all the powers conferred upon the mayors of cities by any general law applicable to cities of the third class, and not inconsistent with the provisions of this act.

§ 46. **Acting mayor.** Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness or absence from the city the mayor shall be prevented from attending to the duties of the office, the president of the common council shall act as mayor and shall have and possess all the rights and powers of mayor during such period of disability or absence. In case of a vacancy in the office of mayor he shall so act until noon of the first day of January next succeeding the election at which the mayor's successor shall be chosen. It shall not be lawful for the president of the common council when acting as mayor in consequence of the absence or sickness of the mayor to exercise any power of appointment or removal from office unless such sickness or absence shall have continued for a period of thirty days; or to sign, approve or disapprove any ordinance or resolution unless such sickness or absence shall have continued for a period of at least nine days. In case of a permanent vacancy in such office, the president of the common council shall have and receive compensation of mayor while acting as and discharging the duties of mayor.

§ 47. **The secretary and assistants.** The mayor shall appoint his secretary and such other assistants as may be prescribed by the board of estimate and apportionment.

§ 48. **Duties of mayor.** It shall be the duty of the mayor to see that the city officers and departments faithfully perform their duties; maintain peace and good order within the city; take care that the laws of the state and ordinances of the common council are executed and enforced within the city; to communicate by written message to the common council at least once a year a statement of the finances and general condition of the



city, with such recommendations in relation thereto as he may deem proper; and to give such information in relation to the same as the common council may from time to time require; and in the same way as is provided for the calling of special meetings by president of the common council, to call a special meeting of the common council whenever in his judgment it is required by public interest, or upon the written request of at least three members of the common council. Notice of such meeting shall be in writing and served upon each member or left at his usual place of abode at least twenty-four hours before the hour at which the meeting is called. He shall also receive and examine all complaints made against any city officer or employee for neglect of duty or malfeasance in office. He shall appoint the auditing committee of the common council; and he may from time to time designate the place in said city where he shall keep his office. He shall give public hearings on all special city laws as is provided by article three of the general city law.

§ 49. **Consultation with heads of departments.** The mayor shall call together the heads of the city departments for consultation and advice upon the affairs of the city as often as he may deem advisable, but not less than four times in each year; and at such meetings he may call upon the heads of the departments for such reports as to the matters under their control and management as he may deem proper, which it shall be their duty to prepare and submit at once to him. Records shall be kept of such meetings, and rules and regulations shall be adopted thereat for the harmonious, systematic and efficient administration of the affairs of the city, not inconsistent with law or ordinance.

§ 50. **Execution of deeds and contracts.** The mayor shall, on behalf of the city, execute all deeds, except deeds of property sold for nonpayment of taxes or assessments, and contracts made by it, and shall cause to be affixed thereto the seal of the city.

§ 51. **Examination of books and accounts.** The mayor shall have authority at all times to examine the records and accounts, books and papers of any officer, employee or commission of the city, and, as often as he may deem proper, may appoint one or more competent persons to examine, without notice, the accounts of any office or commission, and the money, securities, and property belonging to the city in the possession or charge of any officer or commission, and the money, securities and property belonging



to the city in the possession or charge of any officer or commission, and to report the result of such examination.

§ 52. **Mayor may suspend work.** The mayor shall have power to suspend any work in progress under any contract in which the city is a party, or in any way interested, at any time, by giving written notice thereof to the contractor or his agent, whereupon the work shall be suspended for a period not exceeding ten days and a meeting of the board of contract and supply shall be called by the mayor within eight days after the said service of notice. Whenever any work has been suspended and notice thereof given to the board of contract and supply, it shall cause an investigation to be made, and may continue such suspension, and thereafter, after notice to and a hearing of the contractor, in its discretion revoke the contract and award a new contract in the manner prescribed in this act, but such revocation of the contract shall not affect any liability on the contractor's bond.

§ 53. **Additional powers and duties.** The mayor shall have such other powers and perform such other duties as may be prescribed in this act or by the other laws of the state or by ordinance of the common council, not inconsistent with law. In case of riot, conflagration or other public emergency requiring it, the mayor shall have power to call out the police and firemen; he shall also have power to appoint such number of special policemen as he may deem necessary to preserve the public peace. Such special policemen shall be under the sole control of the regularly appointed and constituted officers of the police department. They shall have power to make arrests only for public intoxication, disorderly conduct or other offenses against peace and good order. In case of riot or insurrection, he may take command of the whole police force, including the chief executive officer thereof.

§ 54. **Permits for erection of booths and arches.** The mayor may, in his discretion, grant temporary permits for the erection of booths, stands, arches, overhead passageways, or flag staffs for the stringing of flags or banners for other than advertising purposes, upon or over the sidewalks or streets of such city for the purpose of a public celebration, exposition, fair or political demonstration; provided, however, that no such permit shall be granted by virtue of this section without the consent of the owners of the abutting property constituting more than one-half of the foot frontage upon both sides of such street in the block formed by the nearest cross-streets on each side of such structure or erection.

## TITLE IV.

## COMMON COUNCIL.

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97. Witnesses not to be excused from testifying.

98. Penalties.

**Section 59. Members, president, organization of council.** The nine aldermen of the city shall constitute the common council thereof. The members of the common council shall meet in the room provided for the purpose on the second day of January, after their election, or if that be Sunday, then on the next day, and organize. The president of the common council shall preside at all meetings and discharge such other duties as may be defined by ordinance of the common council and otherwise by law. The common council may at any regular meeting, elect one of its members vice-president of the common council to act during the temporary absence or disability of the president and who shall be the president of the common council in case of a permanent vacancy in that office. Until such permanent vacancy shall be filled, the mayor shall preside over the meetings of the common council. Until such a vacancy is filled the common council shall transact no business except to adjourn from time to time. The president may in case of a tie vote, vote upon all resolutions and ordinances submitted to the common council for its action, and when a member of the common council is elected president, he shall be entitled to vote as an alderman, but when he shall vote as an alderman he shall have no casting vote on a tie.

**§ 60. City clerk.** The city clerk shall also be the clerk of the common council. He shall attend meetings of the common council, keep a journal of its proceedings and index the same, discharge such other and further duties as may be prescribed by law or ordinance. He may appoint, to hold office during his pleasure, a deputy and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the city clerk, or a vacancy in the office, the common council shall appoint a clerk to act as clerk of the common council during the absence or disability of the city clerk or until the vacancy in the city clerkship is filled. It shall be the duty of the city clerk to transmit to the heads of each department and the clerk of each commission or officer, copies of all ordinances in any manner affecting any of the matters of which such officer or commission shall have jurisdiction. He shall have the custody of the city seal. He shall have the charge, custody and control

of all the books, papers, documents and official minutes of the city except as otherwise provided by law. He shall, upon request, and payment of the fees therefor, make and certify copies of any record or document in his office or under his control and affix the corporate seal of the city thereto. He shall keep an accurate account of all moneys received by him belonging to the city, and shall within ten days after receipt thereof pay the same over to the city treasurer for which he shall take receipt and file the same in his office. The office of the city clerk shall be deemed the town clerk's office and the city be deemed a town for the purpose of depositing and filing therein of books and papers required or authorized by law to be filed in the town clerk's office, and the city clerk shall have the powers and discharge the duties of the town clerk in relation thereto. All books, papers, records and accounts and receipts in the office of the city clerk shall be public records and at all times during regular business hours shall be subject to examination.

§ 61. **Meetings.** The common council shall hold regular meetings at times to be determined by it at least once in each month, and may adjourn for any shorter time. Its sittings shall be public except when the public welfare requires secrecy, but no vote shall be taken at a secret or executive session. The president of the common council may, or at the written request of at least three of its members must, call a special meeting of the common council by causing a written notice thereof, specifying the objects of the meeting, to be served by or under the direction of the city clerk upon each member personally at least twenty-four hours, or by mail directed to his place of residence or place of business, at least thirty-six hours, before the time fixed for such meeting.

The yeas and nays shall be called and recorded on all resolutions and ordinances.

§ 62. **Powers.** The common council shall determine the rules of its own proceedings and be the judge of the election, returns and qualifications of its members. The common council may compel the attendance of absent members at any meeting properly called, and may punish or expel a member for disorderly conduct, for a violation of its rules or for official misconduct, or declare his seat vacant by reason of absence, provided such absence has continued for the space of two months; but no expulsion shall take place and no vacancy on account of absence be

declared except by the vote of two-thirds of all the members of the common council, nor until the delinquent member has had an opportunity to be heard in his defense. All appointments or designations made by the common council shall be determined upon a vote taken by a roll call of its members, and a statement of the choice of each member or the yeas and nays, if any, shall be entered upon the journal.

§ 63. **Legislative acts.** All legislative acts of the common council shall be by ordinance, and on the passage of every ordinance, the yeas and nays of the members voting thereon shall be entered in full upon the journal. No ordinance shall be passed by the common council on the same day on which it is introduced, except by unanimous consent.

The majority of the members of the common council present at any meeting thereof, at which a quorum shall be present, shall be sufficient to pass any resolution or ordinance, except that no resolution or ordinance authorizing or involving the expenditure of money or the collection of money by tax or assessment, appointment to office, sale of real estate or other property belonging to the city, or the granting of any franchise, shall pass unless it shall receive the assent of a majority of the aldermen in office, or except as otherwise provided in this act.

§ 64. **General grant of power.** In addition to the powers conferred by general laws, the common council, except as restricted by the provisions of this act or special laws, has authority to govern the city, manage its business, to provide for the safety and welfare of its inhabitants, to provide for the protection and security of their property; to own, regulate and control public utilities for the service of its inhabitants and those of adjoining territory; to raise and expend moneys for any uses; to exercise such incidental powers as may be necessary for the full and complete exercise of the authority herein or by any other law conferred. The legislative power of the city is vested in the common council thereof, and its authority, except as otherwise provided, by this act or by law, is legislative only. The powers conferred by this section are not limited by the powers enumerated in the following sections.

§ 65. **Power to make or repeal ordinances.** For the purposes of executing any powers conferred upon the common council or upon the said city or upon the commissioner of public works, commissioner of public safety, commissioner of charities or any

official or employee of the city, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances and prescribe, fix or enforce such penalties and fines as it may deem proper for the violation of them respectively.

§ 66. **Ordinances.** The common council except as otherwise provided shall also have power to enact ordinances for the following purposes and to amend and repeal the same:

(a) To restrain and punish vagrants, mendicants, street beggars and persons soliciting alms, keepers of houses of ill fame, common prostitutes, lewd and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in streets and public places.

(b) To prohibit the gathering or assembling of persons in or upon the public streets of said city or congregating upon the corners of the streets thereof, and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons, and upon the refusal of persons so congregated or assembled to disperse when commanded so to do by a duly appointed police officer, such police officer may make summary arrest of any person or persons so refusing, and take him or them forthwith before the city judge of said city to be by him tried as disorderly persons and punished as such, and all such persons are hereby declared to be disorderly persons.

(c) To restrain cattle, animals and fowls from running at large in said city, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of their keeping and the proceedings; to make regulations for taxing and confining dogs and destroying such as may be found running at large, contrary to any ordinance; and to establish a public pound which shall be subject to the jurisdiction and management of the commissioner of public safety.

(d) To make and establish public markets; to license, regulate and control all porters, cartmen, hack or cabmen, stages, omnibuses or other vehicles, for the transportation of passengers within the city; to fix their rates of compensation and to require them to have licenses and prescribe the amount to be paid therefor; to regulate by license or prohibit the exhibition of any circus, caravan, theatre, curiosities, or other show or entertainment; to regulate by license or prohibit auction sales, pawnbroking, junk dealing, temporary sales, and the selling of hay, straw and farm

produce in said city, and hawking or peddling on the streets of said city.

(e) To prohibit all kinds of gambling; to regulate billiard rooms and bowling alleys; to suppress and restrain disorderly houses and houses of ill-fame; to regulate and prevent bathing in the Hudson river and all the creeks and other waters within the city; to prevent immoderate driving and racing in said city.

(f) To prevent or regulate the deposit of building materials upon the streets or sidewalks to such an extent and for such time as it may prescribe.

(g) To prohibit, license or regulate the keeping, storing, use or sale of gun powder, kerosene or any other combustible or explosive substance or compound, and the conveyance or transportation of the same in or through any part of the city, to regulate or prohibit the use of firearms in said city; to regulate the use of lights in stables or other buildings in which combustible materials may be collected or deposited; and to regulate the emission of smoke from, and to prohibit the emission of dense smoke or soot or gases from buildings, boilers, stationary engines, traction engines, railroad engines and locomotives, boats and from all other sources.

(h) To regulate the erection and use of telegraph, telephone or electric light poles or poles or conduits for the carrying of electric wires on the streets or public grounds; or the stringing or placing of wires in, over, under or upon the streets or public places, or upon, over, or in front of any building or buildings and to provide for the removal of any pole or wire, or conduit erected or maintained contrary to such regulation or any ordinance of the city; to prescribe rules and regulate the installation in all houses, buildings or structures of all wires, conductors or other substances used for the transmission of electric energy and of pipes used for the supply of gas for light, heat, power or other purposes.

(i) To prohibit and punish any game, practice, amusement or act in the public streets or elsewhere having a tendency to frighten teams or horses, or to injure or annoy persons residing in the city or passing in or along the highways or streets of the city, or to injure or endanger life or property.

(j) To regulate and control the laying, maintenance, alteration and repair of subways, conduits, mains and pipes in and under the public streets, highways and places; to regulate and



control the erection, construction and maintenance of poles, cables and wires in, upon, over and under the public streets, highways and places; to require cables and wires, except trolley wires and the necessary guy and supporting wires used in connection with such trolley wires, erected and proposed to be erected upon and over the public streets, highways and places to be placed under ground; to regulate and control the opening and excavation of public streets, highways and places and the use of public streets, highways and places, or any part thereof, or the space above or underneath them for any purpose whatever; to regulate the operation and speed upon or over public streets, highways and places of locomotives, engines and cars upon steam, electric and street surface railroads, and to require and compel the railroad companies to provide and keep flagmen or switchmen and to erect and maintain proper gates or bars at such street crossings, as the common council may deem necessary for the public safety and convenience.

(k) To regulate and prescribe plans, methods and materials for the erection and repair of buildings within said city or any district or districts thereof which it may establish, and for such purpose to establish a building code.

(l) To prevent or regulate the ringing of bells, blowing of whistles and horns, the crying of wares and making of any unnecessary noise, which may tend to disturb the peace of the city; to prevent or regulate the sale or exposure for sale of fireworks or other explosive compound; to prevent and punish the discharge of firearms, rockets, fireworks and gun powder in or near the streets of the city or in the vicinity of any building.

(m) To regulate, prevent or punish for the posting of bills, signs, or advertisements, on any public building, or any telegraph, lighting or telephone poles, within said city.

(n) To compel the owners or occupants of buildings to have scuttles in the roofs thereof and stairs or ladders leading to them; to prescribe and compel the erection and use of fire escapes, fire doors and fire shutters in such buildings as it may deem necessary and to compel the furnishing and placing of fire buckets, pails, fire extinguishers, hose, stand pipes and such other apparatus for the prevention and extinguishment of fires as it may deem proper.

(o) To prevent or regulate the erection, placing or maintaining on or above any street of the city any goods, sign, sign-board

or other device which shall hang, suspend or project from or upon any such street or the sidewalk thereon.

(p) To provide for the licensing of dogs, the seizure of unlicensed dogs, the care and protection of lost, strayed and homeless dogs, for securing and protecting the rights of the owners thereof, for the protection of the public against dogs, and the destruction of dangerous or vicious dogs whether licensed or not; and to authorize the mayor to enter into a contract with an incorporated society for the prevention of cruelty to animals having jurisdiction in the city, for the capture and impoundage of all unlicensed dogs, and for the maintenance of a shelter for lost, strayed or homeless dogs; provided, however, that the compensation to be paid therefor must not exceed in any one year the amount collected by the city from the payment of dog license fees during the current year for which such contract is made.

§ 67. **Power to require improvements.** The common council has power to require the opening, laying out, paving, re-paving, re-surfacing, grading, re-grading, repairing, sprinkling, cleaning, sodding, embellishment, alteration, widening and discontinuance of public streets, highways and places, and the cutting and sowing of grass and planting and care of trees therein; the construction, alteration, repair and cleaning of sidewalks on the public streets, highways and places; the street numbering and re-numbering of houses, buildings and structures; the construction, alteration, repair and cleaning of public sewers and drains, and of laterals connected therewith, and the construction, alteration, repair, cleaning and extension of public sewers and drains beyond the limits of the city; the construction within or without the city of sewage disposal plants, and the alteration, repair and cleaning of the same; the construction, alteration and repair of bridges and arches over any water or any other places; the filling in of swamps or low or inundated lands in said city at the expense of the owner of such lands and to provide for the deposit of sand or rock to be taken from the Hudson river whenever same is deepened; and the construction, alteration or repair of the docks along the banks of said river; and the construction of all other public improvements and work deemed necessary, and the improving of the channels of, enclosing, covering, discontinuing and altering the course of all creeks, streams or ponds in said city; and the guarantee to keep any improvement or work in good order and repair for such time as it determines.

§ 68. **Apportionment of expense of improvements.** Except as otherwise provided by law, the common council may direct that the whole of the expense of a public improvement or work be assessed upon the property deemed benefited or, subject to the approval of the board of estimate and apportionment, that the whole or part thereof be charged to the city at large. The amount and proportion of the expense of such improvements which shall be borne by the city at large shall be included in the budget and raised by tax the same as other general city charges, or may be borrowed and raised by the city by the issue of bonds in accordance with the provisions of this act, as shall be determined by the board of estimate and apportionment. An amount sufficient to pay any such bonds, when due, together with the accrued interest thereon, shall be included in the tax budget and raised by tax the same as other general city charges, and such bonds as they mature, together with the interest thereon, shall be paid out of the moneys so raised by tax. The proportion of the expense which is not borne by the city shall be assessed and charged upon the property affected by such improvement in the form and manner provided by law for the collection and enforcement of assessment for local improvements.

§ 69. **Money for Memorial Day observance.** The common council is hereby authorized to appropriate and set aside each year a sum not exceeding two hundred dollars for the purpose of providing for the due and proper observance of Memorial Day: The moneys thus appropriated shall be expended under the direction of a board composed of the mayor and the commanders and quartermasters of the Grand Army posts and United Spanish War Veteran camps of such city. The whole amount of such money appropriated or any part thereof may be spent by such board in observance of Memorial Day. Bills properly verified for all claims and expenditures arising under this section, shall be presented to and audited by such board and shall be paid by the common council. The moneys so appropriated shall be included in the budget raised by tax as one of the ordinary expenses of the city government.

§ 70. **Powers in addition.** The powers granted by this act shall be in addition to and not in substitution for, all the powers, rights, privileges and functions existing in cities of the third class pursuant to provisions of general laws.

§ 71. **Ordinance authorizing encroachments upon street.** No

ordinance authorizing the commissioner of public works to grant a license or permission for an encroachment or projection over or on a public street, highway or place, or for the construction of area-ways and cellars beneath sidewalks of the public streets and places, shall be adopted except after a public hearing of which notice must be published in the official paper at least once; and the ordinance must provide for the filing of a bond indemnifying the city against all loss, liability or damage therefrom; upon which bond any person injured by such construction may sue; and all such licenses may be revoked by the common council at any time. The common council may at any time revoke any such license heretofore granted by it or by any commission or officer of the city, or may require the filing of a bond of indemnity as aforesaid by the person maintaining such a construction theretofore made.

§ 72. **Disposition of real estate; franchises.** No ordinance shall be passed making or authorizing a sale or lease of city real estate or of any franchise belonging to or under the control of the city except by vote of the majority of all the members of the common council. In case of a proposed sale or lease of real estate or of a franchise, the ordinance must provide for a disposition of the same at public auction to the highest bidder, under proper regulations as to the giving of security and after public notice to be published once each week for three weeks in the official paper. A sale or lease of real estate or a franchise shall not be valid or take effect unless made as aforesaid and subsequently approved by a resolution of the board of estimate and apportionment. No franchise shall be granted or be operated for a period longer than fifty years. The common council may, however, grant to the owner or lessees of an existing franchise, under which operations are being actually carried on, such additional rights or extensions in the street or streets in which the said franchise exists, upon such terms as the interests of the city may require, with or without an advertisement, as the common council may determine; provided, however, that no such grant shall be operative unless approved by the board of estimate and apportionment and also by the mayor.

§ 73. **Appropriations.** No appropriation of money shall be made for any purpose except by ordinance specifying each item, the amount thereof, and the department or specific purpose for which the appropriation is made.

§ 74. **Procedure after passage of ordinance.** Every resolution and ordinance of the common council, except such as relate to the

rules of its own government and the appointment and trial of officers, shall immediately after its passage be separately engrossed and signed and attested by the clerk. The clerk shall thereupon present the same to the mayor. If the mayor approve it he shall sign it and return it to the clerk, and the ordinance shall thereupon take effect. If he disapprove it, he shall return it to the clerk with his objections stated in writing, and file the same with the city clerk within ten days (Sundays excepted) after he receives it; the city clerk shall present the same with such objections to the common council at its next regular meeting after the filing of such veto as aforesaid, or at a special meeting called for that purpose to be held prior to the next regular meeting. The common council may at such special meeting or within thirty days thereafter reconsider the same; if after such reconsideration, three-fourths of all the members of the common council shall vote to pass the ordinance the same shall take effect notwithstanding the objection of the mayor. If such resolution or ordinance shall not be returned to the clerk by the mayor within ten days (Sundays excepted) after it shall have been presented to him, it shall take effect in like manner as if he had signed it, unless the term of office of the mayor shall expire within ten days after such resolution or ordinance shall be presented to him, in which case such ordinance or resolution shall have no force except as provided in section forty-six of this act. If any ordinance presented to the mayor contains several items of appropriation of money or embraces more than one distinct subject, the mayor may approve the provisions relating to one or more items or one or more subjects and disapprove the others. In such case those items or subjects which he shall approve shall take effect and he shall append to the ordinance at the time of signing it a statement of the items or subjects which he disapproves and said items or subjects so disapproved shall not take effect. He shall return to the clerk a copy of such statement and the items or subjects disapproved may be separately reconsidered by the common council and shall only become effective if again passed by it as above provided. All the provisions of this section in relation to ordinances disapproved by the mayor shall apply in cases in which he shall disapprove any item or subject contained in an ordinance appropriating money or embracing more than one distinct subject.

The mayor may likewise veto any separate items of any ordinance or resolution providing for the expenditure of money or any

separate portion of any ordinance or resolution relating to a separate subject. No resolution or ordinance shall be deemed to be enacted until the provisions of this section shall have been complied with.

§ 75. **The time of taking effect of resolutions and ordinances.** All resolutions passed by the common council shall take effect immediately upon their enactment unless a different time is specified therein. All ordinances except penal ordinances shall take effect immediately unless a different time is provided therein.

§ 76. **Publication and taking effect of penal ordinances.** Every general ordinance of the common council imposing a penalty or fine, or imprisonment, and every amendment thereto, must before the same takes effect be published after its passage at least once in each week for two successive weeks in the official newspaper of the city; provided that in case of insurrection, riot, pestilence, conflagration, or other public necessity requiring immediate operation of such ordinance, it shall take effect as soon as proclamation thereof has been made by the mayor, and the same has been posted in five public places in each ward of the city.

§ 77. **Record of ordinances.** Every ordinance together with a certificate of the city clerk as to the time and manner of the publication thereof, shall, upon its taking effect as herein provided, be recorded in a book kept for that purpose by the clerk. Such records shall include the signature of the president of the common council, attestation of the clerk and the mayor's written approval, or in case of his disapproval a memorandum of its passage over his veto; or in case the ordinance took effect because he failed to approve or disapprove and return within ten days, then a memorandum to that effect. The original engrossed ordinances for each year shall be bound together and kept in the custody of the clerk.

§ 78. **Ordinances and resolutions as evidence.** All ordinances and resolutions passed by the common council of said city, pursuant to the authority vested in it may be read and received in evidence in any court in this state when attested by the certificate of the city clerk to the effect that the same are true copies thereof and of the whole of the same respectively, or may be read from the volume of ordinances published by order of the common council without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the official newspaper as re-



quired by this act; and whenever it shall be necessary to serve or post any notice under the provisions of this act, the affidavit of the party serving or posting said notice to the effect that it has been, shall, when attached to or endorsed on a copy of such notice, be prima facie evidence of such serving or posting.

§ 79. Regulation of duties of officers. The common council may, by ordinance passed by three-fourths of all its members, not inconsistent with this act, or other laws of the state, regulate the powers and duties of any city officer or department; and it has power to investigate all city officers and departments and shall have access to all records and papers kept by every city officer or department.

§ 80. Regulation of office hours and location of offices. Except as to the office of mayor, the common council may from time to time by ordinance regulate the office hours of and determine the location of the offices of any court, commission or officer.

§ 81. Executive functions; how performed. Whenever an executive or administrative function is by law or ordinance of the common council required to be performed, the same shall be performed by the proper executive or administrative officer or commission designated in the law or ordinance. No ordinance shall be passed interfering with the exercise of the executive functions of the officers and commissions of the city, as provided in this act or otherwise by law.

§ 82. Powers hereby granted; how to be exercised. The powers granted by this act are to be exercised by the officers or official body vested with such powers by any other provision of law and in the manner and subject to the conditions prescribed by law; in the absence of any provision of law determining by whom or in what manner or subject to what conditions any such power shall be exercised, the common council shall, by ordinance, determine by whom and in what manner and subject to what conditions such power shall be exercised.

§ 83. Penalties for violation of ordinances. Any person violating an ordinance of the common council shall be guilty of a misdemeanor and the common council may provide therein or by general ordinance, that any person guilty of such violation shall be liable to fine which shall not exceed one hundred dollars in amount, or to imprisonment not exceeding one hundred days, or to both such fine and imprisonment, or such ordinance may provide for a penalty, not exceeding five hundred dollars, to be re-



covered by the city in a civil action. The city may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any ordinance of the common council or of the commissioner of public safety, notwithstanding that the ordinance may provide a penalty for such violation.

§ 84. **Designation of official papers; official printing.** At the first meeting of the common council for the purpose of organization, as provided herein, it shall designate not more than one newspaper published in the city of Albany or in the city of Rensselaer and which is circulated in the city of Rensselaer, to be the official paper of the city, and the paper receiving the highest number of votes shall be the official paper for one year and until a successor is designated. Acceptance in writing of said designation shall be made by said newspaper within ten days after notification thereof and filed with the city clerk. Such official paper shall publish such matters and in such form and for such compensation as shall be agreed upon or prescribed by statute or otherwise by general ordinance of the common council. In case an official paper shall refuse or fail to act or perform as such, the common council may in its discretion, as hereinbefore provided, designate a successor. All bills and accounts for publication in official newspapers and all city printing and advertising shall be a city charge. The common council may, by general ordinance, prescribe the form in which the proceedings and reports of the city officers and commissions shall be issued, and the printing and binding of the same shall be performed under contract awarded as in the case of other city contracts.

§ 85. **Grading of police and fire force.** The common council has power at all times by ordinance to determine the number of members of the police force and of the employees of the fire department and the classes or grades into which each shall be divided; but the number of members of the police force or the employees of the fire department must not be increased without the approval of the board of estimate and apportionment by a resolution adopted by at least four affirmative votes.

§ 86. **Discontinuance of streets.** Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published once a week for two weeks in the official newspaper of the city of its intention so to do, and that all persons interested may be heard in reference thereto at the time

stated in such notice. If it shall be determined to discontinue the street and any person shall claim to be damaged by said discontinuance, such alleged damages, unless agreed to by the common council, must be ascertained and determined by three commissioners to be appointed by the county court of Rensselaer county or the supreme court. All proceedings for the appointment of such commissioners and the hearing before them and the ascertainment and award of compensation shall be taken and had in compliance with the statute known as the condemnation law, in so far as applicable, and when any award shall be confirmed by the court the amount thereof shall be a liability against the city, and judgment may be entered thereon as in an action at law. An ordinance discontinuing any street shall require the affirmative vote of three-fourths of all the members of the common council. Any person feeling himself aggrieved by such discontinuance and entitled to compensation therefor shall, within three months after such street is discontinued, present to the common council his claim for such compensation, stating briefly the nature and extent of the injury he claims to have suffered. Within two months after the time limited for the presentation of claims, it shall be the duty of the common council of said city to apply for the appointment of the commissioners provided for in the condemnation law to ascertain the damages, if any, sustained by said claimant; and within the time herein limited for the city to apply for the appointment of commissioners, said persons filing claims shall be precluded from taking any proceeding for the enforcement of their claims.

§ 87. **Abandoned streets.** Every street not used by the public as a street for twenty continuous years, and every street not opened or worked within twenty years from the time of its dedication or the time it was laid out or opened as a street, ceases to be a street; but the period during which any action or proceeding is pending in regard to any such street forms no part of such twenty years. This section does not give any person building upon, encroaching upon or obstructing a public street, highway or place, any right therein, or divest the city or public of its right therein. and the city is never barred by lapse of time from removing any obstruction, encroachment or structure upon a public street.

§ 88. **Width of street, sale of lots.** No new street hereafter laid out or mapped shall be accepted, opened, worked or graded by said city, or accepted as a street of said city, unless the same shall be fifty feet in width or more. All owners of property hav-

ing lots within said city, now or hereafter mapped out for sale, are required to file a map of the same with the city clerk, said map to be approved by the commissioner of public works, before any of said lots are sold or offered for sale, which said map shall show and designate thereon the proposed streets, avenues, highways, lanes, alleys and parks; and unless such map shall be filed and approved and a true copy thereof, with the certificate of approval filed in the Rensselaer county clerk's office, said streets and avenues shall never become public streets of the city and neither sewer, water nor lights shall be placed thereon.

§ 89. **Change of grade of streets.** The common council shall have power to change the grade of any street, whenever such change shall be necessary. If the grade of any street in which a street railroad is now or shall hereafter be operated or in which there are gas, water or other pipes or conduits of any character shall be changed, or if any such street shall be straightened, widened or altered, the railroad corporation operating such street surface railroad and the owner or owners of such pipes or conduits shall change its grade and line and his or its pipes or conduits to conform to such alterations, if required so to do by the common council; and the expense thereof shall be borne by such railroad corporations and such owner or owners unless the city shall be legally liable to pay the cost of such change of the grade and line of such railroad, pipes or conduits. Whenever the grade of any street in said city shall have been established and the street graded, and private property adjusted to such grade, the same shall not be changed to the injury of such property without just compensation, to be ascertained in and by the proceedings provided by law for ascertaining damages for lands taken for opening of streets.

§ 90. **Streets by prescription.** All lands which shall have been heretofore used by the public as a street for twenty years or more continuously shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

§ 91. **Acquisition of real estate.** All purchases or other acquisition by the city of real estate or any right or easement therein, must be authorized by ordinance of the common council. This section does not apply to purchases of real estate by the city which is sold for enforcement of any tax or assessment lien.

§ 92. **Ordinance for purchase of real estate.** Whenever the common council determines to authorize the purchase of any real estate or rights or easements therein, it must pass an ordinance

containing a description of the real estate, rights or easements to be acquired, and declaring its intention to acquire the same and that it deems the same necessary for municipal purposes, and directing the commissioner of public works to purchase the same at a price approved by the board of estimate and apportionment, and directing the corporation counsel in case the commissioner of public works is unable to purchase such real estate, rights or easements at a price approved by the board of estimate and apportionment, to institute condemnation proceedings for the acquirement of the same. In case a local assessment is to be levied for the whole or any part of the expense of the acquisition of such real estate, rights or easements, the common council must proceed thereon as in the case of other public improvements or work involving local assessments, and may in the ordinances for public improvements or work involving local assessments, direct the acquisition as herein provided of real estate, rights or easements necessary to be acquired for the purpose of making such public improvement or work.

§ 93. **Sale of personal property.** All sales of personal property belonging to the city must be made pursuant to authority granted by ordinances of the common council, and the price thereof must be approved by the board of estimate and apportionment before the sale takes effect.

§ 94. **Taxpayers' election.** Whenever it shall have been determined that a taxpayers' election should be held, the common council shall, by resolution, call the same and in their resolution they shall state the objects for which the said election is to be held and the amount which it is proposed to raise and the purpose for which the money will be expended, and whether moneys so proposed to be raised shall be included and raised in the next city tax budget or whether the said amount should be borrowed upon the credit of the city and the bonds or other obligations to be issued therefor. The common council shall thereupon give notice of such election by publishing the same in the official newspaper at least once in each week for three successive weeks immediately preceding said election. Such notice shall contain a copy of said resolution and shall specify the time and places for holding the polls of said election. The common council shall designate in said notice the places, which shall be not less than three in number, for holding said election, and they shall appoint three inspectors as a board of inspectors, from among the regular inspectors of elec-

tion of said city, for each poll of said election. Said inspectors shall take the oath required by law to be taken by inspectors at a general election and they shall have the same powers and perform the like duties as said last mentioned inspectors in so far as the same are applicable. Every citizen who is a resident of said city, of the age of twenty-one years or over, whose name shall be on the city tax roll next preceding said election, as owner, executor, administrator, guardian or agent and upon whose property or upon whom as the owner or possessor of property, a tax has been assessed and imposed in and by said roll, and no other person or persons whatever, shall be entitled to vote at said election. The common council shall have power to determine, and in said notice shall specify, the polling place for each election district. Each such board of inspectors of election at each polling place on the day and at the places specified and from twelve o'clock noon until eight o'clock in the evening, and in the same manner provided by law for holding general elections in said city, as far as may be, shall proceed to receive the ballots of the persons qualified to vote at the said polling place. Ballots for such election shall be provided by the common council. Such ballots shall comply with the requirements of official ballots for candidates for public office, insofar as such requirements are applicable thereto.

Under the perforated line of such ballot shall be clearly printed, in brier lower case type, the proposition or question upon which the voters within the district for which such ballot is provided may lawfully vote. If there be more than one proposition or question to be submitted to the taxpayers, the different propositions or questions shall be separately numbered and printed and separated by a broad solid line one-eighth of an inch wide. Opposite and before each such proposition or question so submitted shall be printed two squares inclosed in ruled lines. Preceding the upper square shall be printed the word "Yes," and preceding the lower square shall be printed the word "No." At the top of each such ballot, immediately above the perforated line, shall be printed in brier capital type the following words only: "Notice to voters: for an affirmative vote upon any question submitted upon this ballot, make a cross X mark in the square after the word 'Yes.' For a negative vote make a similar mark in the square following the word 'No.'" All such ballots for the same polling place shall be of the same color and size, and similarly printed, so that after the removal of the stub, which shall be num-

bered as in case of ballots for candidates for public office, it shall be impossible to identify or distinguish any one of such ballots from the others. If any person offering to vote at such election shall be challenged as to his or her right to vote thereat, by any other person entitled to vote at such election, one of the inspectors shall tender to him or her the following oath: "You do swear (or affirm) that you are a citizen and a taxpayer of the city of Rensselaer and a resident of this election district and that you are of the age of twenty-one years and have not voted at this election." If the person offering to vote shall take such oath and shall be named and assessed upon said roll as aforesaid, the vote shall be received; otherwise such vote shall be refused. All the provisions of law for punishing false swearing and fraudulent voting at the general election, so far as the same can be applied, and for preserving order at the polls, shall be applicable to said taxpayers' election and the proceedings thereat. The said inspectors shall canvass the votes received at said election immediately after the closing of the polls and make duplicate certificates under their hands, stating the whole number of ballots received on each proposition submitted, the number for each proposition submitted and the number against each proposition, and return one certificate to the city clerk and the other to the mayor within twenty-four hours thereafter. The said certificates received by the clerk shall be delivered by him to the common council at its next regular meeting or at a special meeting called for that purpose and it shall cause the result of said election as appearing by said certificates to be determined and entered in its minutes and shall declare according to the fact whether such proposition or propositions were carried or not and whether a majority of the votes cast were cast in favor of or against such proposition or propositions and such declaration shall be conclusive evidence of the facts they shall declare. The date of any taxpayers' election shall not coincide with that of any other election.

§ 95. **Examining committees.** The council may at any time appoint a special committee of its members to inquire whether the laws and ordinances relating to any matter or any department of the city are being faithfully observed, and whether the duties of the officers and employees are being faithfully discharged, and to examine and report whether there are any unnecessary, inefficient or unfit employees, or excessive salaries, wages or compensation paid, and to inquire generally in respect to any and all



matters which will conduce to the orderly and economical administration of the business of the city and appropriate necessary funds therefor. Such committee shall have access to the records of the city, and for the purpose of any such inquiry shall have the powers conferred upon the common council or any committee thereof by section ninety-six of this act.

§ 96. **Power to summon witnesses.** The mayor, common council by its president, or any committee thereof, by its chairman, and the head of every department shall have power to issue a subpoena to any person to appear and testify before him or them in respect to any matter pending or referred to either of them or to any commission of the city. Such subpoena may be served at any place within the state of New York, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse to attend in obedience to any such subpoena may be arrested by an order of attachment which shall be issued by the mayor or city judge upon proof of the service of such subpoena and of such refusal, and may be committed to the county jail or other place of detention until he shall appear or testify. Such witness so refusing to attend may also be fined or imprisoned for disobedience of such subpoena by the mayor or city judge in the manner and to the same extent as witnesses refusing to attend in obedience to subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness before said mayor, common council, or any committee thereof, or the head of any department, shall refuse to be sworn or affirmed or to answer any proper or pertinent question, the mayor or city judge may forthwith commit such person to the county jail or other proper place of detention for a period not exceeding twenty days, or until he shall be sworn or affirmed or answer such question. Such commitment shall be made by a warrant directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and such officer shall keep such person in close confinement as directed thereby.

§ 97. **Witnesses not to be excused from testifying.** No witness shall be excused from testifying in any criminal proceeding or in any investigation or inquiry before the common council or any committee thereof, or before any officer conducting an investigation, touching the knowledge of such witness as to any offense committed in violation of the provisions of this act or an



ordinance of the common council; but such testimony must not be used against such witness in any criminal prosecution or proceeding whatever.

§ 98. Penalties. Any member of the common council who shall knowingly or unlawfully disregard any provision of law applicable to the members thereof, or who shall vote for any ordinance or measure in violation of law, or any appropriation unauthorized by law or in excess of the amount authorized by law, or for any illegal or injurious disposition of corporate property, rights or privileges, shall be guilty of a misdemeanor and liable to the punishment and penalty prescribed therefor, and every member voting in favor thereof shall be individually liable to refund the amount to the city at the suit of any taxpayer.

## TITLE V.

### DEPARTMENT OF FINANCE.

#### Section 110. Duties of treasurer.

- 111. Treasurer, assistant treasurer, bonds.
- 112. Tax receipts; treasurer's duties relative thereto.
- 113. Temporary and funded debts.
- 114. Issue and sale of bonds.
- 115. Issuance of bonds by city.
- 116. Registry of city bonds.
- 117. Payment of bonds of city.
- 118. Claims against the city.
- 119. Sinking fund.
- 120. Custody and management of sinking fund.
- 121. Deposits and accounts.
- 122. Treasurer's annual financial statement.
- 123. Board of estimate and apportionment.
- 124. Fiscal year.
- 125. Determination of positions and salaries.
- 126. Payment of salaries.
- 127. Reports to board of estimate and apportionment.
- 128. Annual estimate by board of estimate and apportionment.
- 129. Annual appropriations.
- 130. Tax budget.
- 131. Temporary loans.
- 132. Unexpended appropriations.

133. Contracts and expenditures prohibited.

134. Penalties for violation of preceding section.

§ 110. **Duties of treasurer.** The treasurer shall be the collector of all taxes and assessments; he shall perform the duties, possess the powers and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act. He shall demand, collect, receive and have the care and custody of and shall disburse all moneys belonging to or due the city from every source, except as otherwise provided by law. All moneys of the city received by the treasurer shall be deposited by him daily in such banks or trust companies as shall be designated by the common council for such purpose. The interest on all deposits shall be the property of the city and shall be accounted for and credited to the appropriate fund. No money shall be drawn from a city depository except on checks or drafts signed by the treasurer and mayor and countersigned by the city clerk and made payable to the person entitled to receive the same, unless such moneys be drawn for public use in the treasurer's office, in which case the checks or drafts shall be made payable to the order of the treasurer. The treasurer shall keep a separate account with every commission and with each improvement for which funds are appropriated or raised by tax or assessment, and in every check or draft drawn by him he shall state particularly against which of such funds it is drawn, unless the money is drawn for use in his office. He shall at no time permit any appropriation to be overdrawn, nor draw upon one appropriation to pay a claim chargeable to another. No money shall be paid out by him unless same has been audited in accordance with the provisions of this act. He shall render to the city clerk at the end of each day's business a detailed statement of all moneys received and paid out by him. He shall perform such other duties, as may from time to time be prescribed by law, or by ordinance of the common council, not inconsistent with the provisions of this act, or the laws of the state.

The city treasurer shall present to the common council at its first meeting in each month a statement of the aggregate receipts and disbursements on account of each commission of the city during the preceding month and the balance on hand belonging to each fund of the city, and such statement shall be filed with the city clerk; he shall also at the end of each month present to

quired by this act; and whenever it shall be necessary to serve or post any notice under the provisions of this act, the affidavit of the party serving or posting said notice to the effect that it has been, shall, when attached to or endorsed on a copy of such notice, be prima facie evidence of such serving or posting.

§ 79. **Regulation of duties of officers.** The common council may, by ordinance passed by three-fourths of all its members, not inconsistent with this act, or other laws of the state, regulate the powers and duties of any city officer or department; and it has power to investigate all city officers and departments and shall have access to all records and papers kept by every city officer or department.

§ 80. **Regulation of office hours and location of offices.** Except as to the office of mayor, the common council may from time to time by ordinance regulate the office hours of and determine the location of the offices of any court, commission or officer.

§ 81. **Executive functions; how performed.** Whenever an executive or administrative function is by law or ordinance of the common council required to be performed, the same shall be performed by the proper executive or administrative officer or commission designated in the law or ordinance. No ordinance shall be passed interfering with the exercise of the executive functions of the officers and commissions of the city, as provided in this act or otherwise by law.

§ 82. **Powers hereby granted; how to be exercised.** The powers granted by this act are to be exercised by the officers or official body vested with such powers by any other provision of law and in the manner and subject to the conditions prescribed by law; in the absence of any provision of law determining by whom or in what manner or subject to what conditions any such power shall be exercised, the common council shall, by ordinance, determine by whom and in what manner and subject to what conditions such power shall be exercised.

§ 83. **Penalties for violation of ordinances.** Any person violating an ordinance of the common council shall be guilty of a misdemeanor and the common council may provide therein or by general ordinance, that any person guilty of such violation shall be liable to fine which shall not exceed one hundred dollars in amount, or to imprisonment not exceeding one hundred days, or to both such fine and imprisonment, or such ordinance may provide for a penalty, not exceeding five hundred dollars, to be re-

covered by the city in a civil action. The city may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, any ordinance of the common council or of the commissioner of public safety, notwithstanding that the ordinance may provide a penalty for such violation.

§ 84. **Designation of official papers; official printing.** At the first meeting of the common council for the purpose of organization, as provided herein, it shall designate not more than one newspaper published in the city of Albany or in the city of Rensselaer and which is circulated in the city of Rensselaer, to be the official paper of the city, and the paper receiving the highest number of votes shall be the official paper for one year and until a successor is designated. Acceptance in writing of said designation shall be made by said newspaper within ten days after notification thereof and filed with the city clerk. Such official paper shall publish such matters and in such form and for such compensation as shall be agreed upon or prescribed by statute or otherwise by general ordinance of the common council. In case an official paper shall refuse or fail to act or perform as such, the common council may in its discretion, as hereinbefore provided, designate a successor. All bills and accounts for publication in official newspapers and all city printing and advertising shall be a city charge. The common council may, by general ordinance, prescribe the form in which the proceedings and reports of the city officers and commissions shall be issued, and the printing and binding of the same shall be performed under contract awarded as in the case of other city contracts.

§ 85. **Grading of police and fire force.** The common council has power at all times by ordinance to determine the number of members of the police force and of the employees of the fire department and the classes or grades into which each shall be divided; but the number of members of the police force or the employees of the fire department must not be increased without the approval of the board of estimate and apportionment by a resolution adopted by at least four affirmative votes.

§ 86. **Discontinuance of streets.** Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published once a week for two weeks in the official newspaper of the city of its intention so to do, and that all persons interested may be heard in reference thereto at the time

stated in such notice. If it shall be determined to discontinue the street and any person shall claim to be damaged by said discontinuance, such alleged damages, unless agreed to by the common council, must be ascertained and determined by three commissioners to be appointed by the county court of Rensselaer county or the supreme court. All proceedings for the appointment of such commissioners and the hearing before them and the ascertainment and award of compensation shall be taken and had in compliance with the statute known as the condemnation law, in so far as applicable, and when any award shall be confirmed by the court the amount thereof shall be a liability against the city, and judgment may be entered thereon as in an action at law. An ordinance discontinuing any street shall require the affirmative vote of three-fourths of all the members of the common council. Any person feeling himself aggrieved by such discontinuance and entitled to compensation therefor shall, within three months after such street is discontinued, present to the common council his claim for such compensation, stating briefly the nature and extent of the injury he claims to have suffered. Within two months after the time limited for the presentation of claims, it shall be the duty of the common council of said city to apply for the appointment of the commissioners provided for in the condemnation law to ascertain the damages, if any, sustained by said claimant; and within the time herein limited for the city to apply for the appointment of commissioners, said persons filing claims shall be precluded from taking any proceeding for the enforcement of their claims.

§ 87. **Abandoned streets.** Every street not used by the public as a street for twenty continuous years, and every street not opened or worked within twenty years from the time of its dedication or the time it was laid out or opened as a street, ceases to be a street; but the period during which any action or proceeding is pending in regard to any such street forms no part of such twenty years. This section does not give any person building upon, encroaching upon or obstructing a public street, highway or place, any right therein, or divest the city or public of its right therein. and the city is never barred by lapse of time from removing any obstruction, encroachment or structure upon a public street.

§ 88. **Width of street, sale of lots.** No new street hereafter laid out or mapped shall be accepted, opened, worked or graded by said city, or accepted as a street of said city, unless the same shall be fifty feet in width or more. All owners of property hav-

ing lots within said city, now or hereafter mapped out for sale, are required to file a map of the same with the city clerk, said map to be approved by the commissioner of public works, before any of said lots are sold or offered for sale, which said map shall show and designate thereon the proposed streets, avenues, highways, lanes, alleys and parks; and unless such map shall be filed and approved and a true copy thereof, with the certificate of approval filed in the Rensselaer county clerk's office, said streets and avenues shall never become public streets of the city and neither sewer, water nor lights shall be placed thereon.

§ 89. **Change of grade of streets.** The common council shall have power to change the grade of any street, whenever such change shall be necessary. If the grade of any street in which a street railroad is now or shall hereafter be operated or in which there are gas, water or other pipes or conduits of any character shall be changed, or if any such street shall be straightened, widened or altered, the railroad corporation operating such street surface railroad and the owner or owners of such pipes or conduits shall change its grade and line and his or its pipes or conduits to conform to such alterations, if required so to do by the common council; and the expense thereof shall be borne by such railroad corporations and such owner or owners unless the city shall be legally liable to pay the cost of such change of the grade and line of such railroad, pipes or conduits. Whenever the grade of any street in said city shall have been established and the street graded, and private property adjusted to such grade, the same shall not be changed to the injury of such property without just compensation, to be ascertained in and by the proceedings provided by law for ascertaining damages for lands taken for opening of streets.

§ 90. **Streets by prescription.** All lands which shall have been heretofore used by the public as a street for twenty years or more continuously shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

§ 91. **Acquisition of real estate.** All purchases or other acquisition by the city of real estate or any right or easement therein, must be authorized by ordinance of the common council. This section does not apply to purchases of real estate by the city which is sold for enforcement of any tax or assessment lien.

§ 92. **Ordinance for purchase of real estate.** Whenever the common council determines to authorize the purchase of any real estate or rights or easements therein, it must pass an ordinance



or funded debt or other loan, or for the regular or stated compensation of officers or employees in any city department, or for work performed or materials furnished under contract with the board of contract and supply, shall be paid unless a claim therefor itemized and verified by or on behalf of the claimant, in such form as the common council shall prescribe, and approved by the head of the commission or officer whose action gave rise or origin to the claim, shall have been presented to the common council, and shall have been audited and allowed by the common council. The city clerk shall cause every such claim, upon presentation to him, to be numbered consecutively and the number, date of presentation, name of claimant and brief statement of character of each claim shall be entered in a book kept for that purpose, which shall at all times during office hours be so placed as to be convenient for public inspection and examination. No claim shall be audited or paid until at least five days have elapsed after its presentation to the city clerk. The common council, or a standing committee thereof, to be composed of five members and appointed by the mayor and called the "auditing committee," to which the claim shall be referred, is authorized, in considering a claim, to require any person presenting the same for audit to be sworn touching the justness and accuracy of such claim, and to take evidence and examine witnesses in reference to the claim and for that purpose it may issue subpoenas for the attendance of witnesses. If the claimant be dissatisfied with the audit made by the common council, he may appeal to the board of estimate and apportionment by serving notice of appeal in writing upon the city clerk and the mayor at any time before the next regular meeting of the common council that is held after the city clerk notifies him of such audit. If any taxpayer be dissatisfied with such audit, he may appeal to the same board on behalf of the city, in like manner, by serving notice of appeal upon the claimants, the city clerk, and the mayor and the treasurer within five days after the meeting of the common council at which such claims shall have been audited by the common council. The board of estimate and apportionment shall make rules for the procedure upon the hearing of such appeals and the decision and audit of that board, after the hearing upon the appeal to it, shall be final and conclusive as to the amount of the claim; but if there be no appeal from the original audit it shall in like manner be final and conclusive. No claim the audit of which is appealed from shall be paid until de-



termination of the appeal thereon, and no claim shall be paid until the time to appeal from the audit thereof has expired. Upon the appeal herein provided for, the treasurer shall take the place of the president of the common council as a member of the board. The board of estimate and apportionment upon an appeal to it, as herein provided, shall have authority to take evidence and examine witnesses in reference to the claim and for that purpose may issue subpoenas for the attendance of witnesses; and each member of the board of estimate and apportionment is hereby declared to be ex officio a commissioner of deeds for the purpose of administering oaths and affirmations in the proceedings upon such appeals. When a claim has been finally audited by the common council it shall be so indorsed with certificate of the city clerk attached thereto, and the same shall thereupon be filed in and remain a public record in his office. If any person shall present to the common council, officer or commission for audit a claim in the name of any person or firm other than that of the actual claimant he shall be guilty of a misdemeanor.

§ 119. **Sinking fund.** There shall be a sinking fund which shall consist of receipts from all taxes unpaid at the end of the year succeeding the year in which they were levied and all interest thereon and the collections thereof; all collections of the costs of the sale of taxes; the gross proceeds of the sale of real property unless the council determines that such proceeds shall be used for the acquisition of other real property; interest on bank deposits; premiums on bonds and certificates of indebtedness; unexpended balances of bond issues; forfeited deposits; revenue from the state or county not otherwise appropriated by law; rents, fees and revenue except such as accrue from the operation of a particular department; revenue from licenses and franchises; unexpended balances of trust funds from the department of charities; and such other items of revenue other than collections of taxes or special assessments or department revenue as the council determines. The collections of the sinking fund shall from time to time be used for the redemption of bonds of the city, and shall be used for no other purpose. This section shall not apply to the existing indebtedness, payment of which has been otherwise provided for.

§ 120. **Custody and management of sinking funds.** The city treasurer, under the direction of the board of estimate and apportionment, has the investment and management of sinking funds,

and may, with the approval of the board of estimate and apportionment, invest the funds thereof in bonds and notes of the city and other securities.

§ 121. **Deposits and accounts.** All moneys deposited by the treasurer, as provided herein, shall be placed to the credit of the city. The treasurer shall keep bank books in which shall be entered his accounts with and deposits in, and moneys drawn from, the banks or trust companies in which such deposits shall be made. He shall exhibit such books to the mayor and finance committee of the common council for their inspection at least once each month, and oftener if required. The banks or trust companies in which such deposits are made shall respectively transmit to the treasurer and city clerk duplicate monthly statements of the moneys which shall have been received and paid out by them on account of the city.

§ 122. **Treasurer's annual financial statement.** The treasurer shall, within thirty days after the close of each fiscal year, prepare and submit to the common council a full and accurate statement in detail, verified by his oath, showing: (1) The receipts and revenues of the city from all sources and the accounts which may be due to the city and uncollected at the close of the fiscal year; (2) the disbursements from all appropriations and the expenditures in all branches of the city government during the fiscal year; (3) the indebtedness of the city at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred; (4) the cost of the acquisition, construction and operation of each public utility if any are owned, maintained or operated by the city and the income derived therefrom. Such statement shall be accompanied by a statement in detail, in separate columns, showing the several appropriations made by the city, the amount drawn on each appropriation and its then present condition, also the several debts and obligations of the city, the character thereof, when the same are payable and the rate of interest on each.

§ 123. **Board of estimate and apportionment.** There shall be a board of estimate and apportionment, which shall consist of the mayor, city clerk, corporation counsel, president of the common council, and the city engineer, except that when the number of subordinates, or the salaries thereof, in the department of any of the members of the said board are to be fixed and determined, the treasurer shall temporarily take the place of the member whose

number of subordinates, or the salaries thereof, is under consideration, for the purpose of fixing such salaries or number of subordinates, and for that purpose alone. The members of the board shall meet upon the call of the mayor, or as directed by the board. The mayor shall be president of the board and the city clerk shall act as secretary thereof, and keep a journal of all the proceedings of the board.

§ 124. **Fiscal year.** The fiscal year of the city shall commence with the first day of August in each year.

§ 125. **Determination of positions and salaries.** The board of estimate and apportionment, except as otherwise provided by law, shall have authority to fix the salaries or compensation, and determine the positions and numbers of all city officers and employees, of each office and commission, but the salary or compensation of every officer and employee shall be thus fixed before his election, except in the first instance after this act shall take effect and subject to the provisions thereof. The board of estimate and apportionment may, however, by resolution adopted by a vote of three-fifths of all its members, fix and determine the salary of the corporation counsel and of the city engineer at a sum greater or less than herein prescribed, but no such increase or decrease in the salary of either of them shall be in effect until the common council shall have approved the same. No member of the board of estimate and apportionment shall have a vote upon a resolution fixing his own salary, but when such vote is taken the city treasurer shall temporarily take the place of the member whose salary is to be fixed, but for the purpose of voting upon such resolution alone. Every resolution fixing or changing a salary shall be published after its introduction, and before being finally acted upon, in the official paper once a week for three consecutive weeks. The board of estimate and apportionment shall have no power to provide for any salary or compensation whatever for any official who by the provisions of this act is required to serve without pay.

§ 126. **Payment of salaries of officers and employees.** The salary as fixed by this act of all officers shall after this act takes effect except president of the common council, alderman, and commissioner of education, and of all employees of the different commissions and offices, be payable semi-monthly. The salaries of all other officers shall be payable at the end of each month.

§ 127. **Reports to board of estimate and apportionment.** The

several officers having charge of the several commissions, including the education commission, shall, on or before May fifteenth in each year, make and deliver to the board of estimate and apportionment a report of all expenditures made or incurred by such officer or commission during the year ending the first day of May next preceding, showing separately by items the amount expended by said officer or commission from the moneys appropriated for their offices or commissions; and the balance at the end of such period standing to the credit of each such officer or commission; the amount which in the judgment of each such officer or commission will need to be expended during the current fiscal year for his or its department, with the items thereof, and the reasons therefor, so far as practicable, which said estimate shall include a statement of the salaries of all their subordinates. The report of the city clerk shall include a statement of all expenditures made by or under the direction of the common council to May first preceding; the balance on such date standing to the credit of each officer or commission; an estimate of the amount of excise or liquor tax money which will probably be paid into the city treasury during the fiscal year; and an estimate of the amount of bank tax which will probably be paid into the city treasury during the fiscal year; a statement in detail of all judgments against the city then remaining unpaid; an itemized statement of the principal and interest on all bonded or other indebtedness of the city which will fall due during the fiscal year; the amount of money, if any, voted for at taxpayers' election as provided by this act; a statement of the amount necessary for paying the city's share of all paving done and improvements made to May first; a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid, the amount which in his judgment will probably be received by the city therefrom during the fiscal year; all expenditures made or incurred by the city and chargeable to property owners or other persons and remaining unpaid and the amount which in his judgment will probably be received by the city therefrom during the fiscal year; the amount which in his judgment will probably be received by the city as fees for licenses other than excise licenses during the fiscal year; the amount of all fees received by him, including fees for certifying copies of papers during such preceding year, and the amount thereof that will in his judgment probably be received by him for such fees

during the next fiscal year; and an estimate of all other probable receipts and expenditures of the city during the fiscal year which no other officer or commission is required by this section to include in its annual report.

The report of the education commission shall include a statement of the amount deemed necessary for the payment of salaries of its superintendent, teachers and assistant teachers, as determined and fixed for the fiscal year under the provisions of this act; a statement of the amount of public school and other moneys that will be received by the city during the fiscal year; a statement of the salaries of the librarians, truant officers, janitors, and other employees of said commission; a statement in detail of the amount necessary for the purchase and repair or improvement of school apparatus, books, furniture and fixtures, and the maintenance of the school libraries and for the purchase of fuel and light and to pay all contingent and incidental expenses of the schools of said city and the said commission; and a statement of the amount deemed necessary for the repair of schoolhouses, out-houses and grounds under the control of the education commission. It shall also include recommendations to the common council, when in its opinion the public interests require, for the sale of any schoolhouse, the purchase or lease of any land for a building for a schoolhouse, or for the erection of any school building or addition thereto, and such other recommendations as the said education commission shall deem proper for the consideration of the common council.

The board of estimate and apportionment may require further or more detailed financial reports from any of such officers or commissions.

§ 128. **Annual estimate by the board of estimate and apportionment.** On or before the first day of June in each year the board of estimate and apportionment shall make an itemized statement in writing of the estimated revenues and expenditures of the city for the fiscal year, which shall be known as the annual estimate. The estimate of revenues shall contain an estimate of the probable revenues which, in the judgment of the board of estimate and apportionment, will be received by the city during the fiscal year, less the amount, if any, required to be deposited to the credit of the sinking fund; a statement of the amount of the sinking fund which, in the judgment of the board of estimate and apportionment, is available and should be applied to the payment of the

principal of any bonded indebtedness of the city falling due during the said fiscal year; and a statement of all unexpended balances or estimated unexpended balances of the previous fiscal year remaining to the credit of the city, or of any office or commission thereof. The estimate of expenditures shall contain an estimate of the several amounts of money which the board of estimate and apportionment deems necessary to provide for the expenses of conducting the business of the city in each commission and office thereof and for the various purposes contemplated by this act and otherwise by law for the said fiscal year, and to pay the principal and interest of any bonded or other indebtedness of the city falling due during the said fiscal year; and it shall state the amount of any judgments recovered against the city and payable during the said fiscal year, and the amount voted for by taxpayers' election. After said annual estimate shall have been completed, the board of estimate and apportionment shall submit the same in final form to the common council with a statement, in writing, of such reasons for such estimate as it may deem proper, together with the recommendations of the education commission that may be reported to it. The common council shall, at its next regular meeting, consider the said estimate and the said recommendations of the education commission. It shall give a public hearing to such persons as wish to be heard in reference thereto. After such hearing, and, on or before July tenth of each year, the common council shall adopt such estimate so submitted or shall diminish or reject any items therein contained, and adopt said estimate as so amended. The common council shall not have the power to diminish or reject any item which relates to salaries, the indebtedness or estimated revenues; or the sums lawfully payable within said fiscal year upon judgments; or the items included in the report of the education commission for the payment of salaries or the amount necessary for the payment of the city's share of paving and improvements or the amount voted for at a taxpayers' election; nor shall the common council increase any item for any purpose contained in said estimate.

§ 129. **Annual appropriations.** When the common council shall have adopted the final estimate of the board of estimate and apportionment or said estimate as amended by it, the same shall be entered at large in its minutes and become a part of its proceedings. The several sums estimated for expenditures therein shall be and become appropriated in the amounts and for the several



commissions, offices and purposes as therein specified for the said fiscal year. The several sums therein enumerated as estimated revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the city and for the purposes contemplated by this act, and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting said appropriations. In case the revenues received by the city exceed the amount of such estimated revenues named in said annual estimate, or in case there remain any unexpended balances of appropriations made for the support of the city government or for any other purpose, then such surplus revenues or such unexpended balances shall, except as otherwise provided by law, remain upon deposit and be included as a part of the estimated revenues for the succeeding year. When any moneys or revenues are received by any officer or commission of the city, from any source other than by municipal tax, which are not otherwise appropriated, such moneys or revenues may be used and applied toward and in addition to the funds appropriated, as aforesaid, in such manner as in the judgment of the board of estimate and apportionment may be most beneficial to the city.

§ 130. **Tax budget.** The amount of estimated expenditures contained in the annual estimate adopted by the common council, less the amount of estimated revenues applicable to the payment thereof and the amount of all judgments payable prior to the tax levy, shall constitute the tax budget. The common council shall levy and cause to be raised by tax the amount of said budget, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner provided by law.

§ 131. **Temporary loans.** Within the period of sixty days before the beginning of the fiscal year, the city shall have the power to borrow money to the extent required to pay fixed salaries, the principal, the interest on bonded or funded debts or other loans, the stated compensation of officers and employees and indebtedness for work performed or materials furnished under contract with the board of contract and supply. After the adoption of said annual estimate it shall have the power to borrow money for the payment of the debts and expenses of the city, within the amounts appropriated therefor for the fiscal year, in anticipation of the receipt of the said taxes and revenues applicable to such purposes. The common council may provide for the issue of certificates of in-



debtedness or revenue bonds payable at any time within four months, to be signed by the mayor and treasurer for such purposes. Such certificates or bonds, together with interest thereon to date of maturity, shall be paid out of the moneys received on account of taxes and revenues applicable to such purposes.

§ 132. **Unexpended appropriations.** All money remaining in the hands of the city treasurer at the time of the taking effect of this act, heretofore raised or provided for the use of the several officers, boards or departments, heretofore existing in said city, shall be deemed moneys appropriated under and pursuant to the provisions of this act, for the purposes of the officers, commissioners or departments created by this act in place of the said boards or departments and performing duties and functions corresponding to the duties of such officers, boards or departments, and shall be used by such officer, commission or department as though originally made hereunder.

§ 133. **Contracts and expenditures prohibited.** No officer, board or commission shall, during any fiscal year, expend or contract to be expended any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the annual estimate in excess of the amounts appropriated in said estimate, as adopted by the common council, for such officer, board, department or purpose, for such fiscal year. Any contract, verbal or written, made in violation of this section shall be null and void as to the city, and no moneys belonging to the city shall be paid thereon, provided, however, that nothing herein contained shall prevent the making of contracts for light or water, the collection and disposal or the disposal of garbage, the collection and removal of rubbish and ashes, the cleaning of streets, or the sprinkling of streets or public places by railway cars, for periods exceeding one year.

Nothing herein contained, however, shall be held to prohibit the commissioner of public safety from expending such sums or incurring such debts, as may be actually necessary to prevent the spread of, or to suppress any contagious or infectious disease, or any epidemic in the city, in addition to the amount appropriated for such purpose.

§ 134. **Penalties for violation of preceding section.** Any officer or member of any commission of the city, making or voting for any contract prohibited by the preceding section or auditing

any account or claim under any such contract shall be deemed guilty of a misdemeanor.

## TITLE VI.

### BOARD OF CONTRACT AND SUPPLY.

- Section 140. Board of contract and supply.
- 141. Duties of board of contract and supply.
  - 142. Proposals.
  - 143. Opening bids.
  - 144. Emergency repairs.
  - 145. Work and material under two hundred dollars.
  - 146. Annual contracts for supplies and materials.
  - 147. Contract and labor bonds.
  - 148. Action by laborer on bond.
  - 149. Guaranty bond.
  - 150. Contract not to exceed estimate.
  - 151. Contractors not to assign contracts without consent.
  - 152. Liability of city.
  - 153. Contracts for lighting.
  - 154. Contracts for paving.
  - 155. Water and gas mains; telephone and electric light wires.
  - 156. Sewer connections.
  - 157. Inspectors, payment of same. Civil service examination.
  - 158. Power to purchase and contract limited.

§ 140. Board of contract and supply. There shall be a board of contract and supply, composed of the mayor, city treasurer, commissioner of public works, corporation counsel and city engineer. The city clerk shall act as clerk to the board. It shall be the duty of the clerk to keep a full journal of all proceedings of the board and to perform such additional duties as may be required by the board or by law or ordinance of the common council. The board has power to appoint such other subordinates as may be prescribed by the board of estimate and apportionment.

§ 141. Duties of board of contract and supply. Except for the ordinary repairing of streets and the sewer system, and except as otherwise provided by law, it shall be the duty of such board, after public notice and in accordance with regulations to be prescribed by general ordinance of the common council, to let to the

lowest bidder, who will give adequate security therefor, all contracts for the performance of any work or for the supply of any material required by or for the use of any officer or commission of the city, in all cases where the expense of such work or materials, or both, shall exceed the sum of two hundred dollars, unless by ordinance of the common council unanimously adopted and unanimously approved by the board of estimate and apportionment, it is determined to be impracticable to procure such work or materials or both by contract, in which case said ordinance shall designate the officer or commission to procure such work or purchase such materials. The board shall have power to reject all bids or proposals if in its opinion the lowest bid or proposal is excessive. The said notice shall describe the work and materials for which contracts will be let and the day and hour and place of the meeting of the board at which proposals therefor will be opened. Specifications for the performance of any work and for the supply of any materials shall be prepared and set forth with sufficient detail to inform all persons proposing to bid therefor of the nature of the work to be done and of the materials to be supplied, and written or printed copies thereof shall be delivered to all applicants therefor. Every contract for a public improvement shall be based upon an estimate of the whole cost thereof, including all expenses incidental thereto and connected therewith, to be furnished by the proper officer or commission having charge of such improvements.

§ 142. **Proposals.** No contract shall be let, except after the receipt of sealed bids or proposals therefor, and no bids or proposals shall be received at any time other than at a regular meeting of said board, nor unless they conform to the rules of the board and the general ordinances of the common council. All bids or proposals must be indorsed with the title of the work or materials to which they relate, the name of the bidder and his residence.

§ 143. **Opening bids.** It shall be the duty of each member of the board to be present at the time and place mentioned in the public notice for the receipt and opening of bids or proposals, and such meetings shall be open to the public. After all the bids or proposals have been presented, but not until one-half hour after the time stated in the public notice for holding the meeting, all bids or proposals shall be opened by some member of the board or by the city clerk, publicly and in the presence of the bidders and

other persons there present, and an abstract of all of such bids or proposals, with the prices and security offered, shall be transcribed in a book kept for that purpose, without any change, correction or addition whatever. A majority of the board need not be present when such bids or proposals are opened. The board may reject all bids or proposals received at any meeting and advertise again for new bids or proposals to be received at another meeting as above prescribed. The contract may be awarded at the meeting at which the bids are opened if a majority be present or within a reasonable time thereafter. No person submitting, or on whose behalf a bid or proposal is submitted, nor the principal or sureties on any bond or security accompanying the same, shall have the right to withdraw or cancel any such bid, proposal, or bond until the board shall have awarded the contract for which such bid or proposal is made, and such contract shall have been duly executed. No bid shall be accepted from or contract awarded to any person, member of a copartnership or corporation who, either as principal or surety, is in default to the city upon debt, contract or obligation.

The provisions of this act or of any law requiring advertisements for bids and proposals or the awarding of contracts for supplies to be furnished for any of said departments shall not be applicable to the supplies which may be furnished under the provisions of the prison law or the purchase of fire horses for the fire department.

§ 144. **Emergency repairs.** In case of public emergency involving accident or other injury by which the heating or plumbing of any of the public buildings or any of the fire apparatus shall become disabled, the commissioner having jurisdiction thereof shall cause repairs thereto to be made without a letting by contract, upon filing with the board of contract and supply a certificate, approved by the mayor, showing such emergency and the necessity of such repairs.

§ 145. **Work and material under two hundred dollars.** Where any work or repairs needed to be done, or materials or supplies to be furnished for any office, court or commission shall not exceed two hundred dollars in cost, the board of contract and supply may by general rule authorize the commissioner of public works, or the commissioner of public safety, or the clerk of the board, or any of them, to give written orders therefor and purchase the same. No materials or supplies shall be purchased for, or de-

livered by or upon the order of the commissioner to any officer, commission or court of the city, except upon the requisition in writing from the officer, commission, court or head of the department for which the same are required. The commissioner shall require a receipt in writing from each officer, commission, court or head of the department for all supplies delivered to him or it by the commissioner or on his order, and he shall approve, in writing, all claims for any such materials or supplies purchased by him before the same shall be presented to the common council for audit. The said order shall have written or printed upon it a statement that the claim therefor is subject to audit of the common council. Such written order must accompany the claim therefor when presented to the common council.

§ 146. **Annual contracts for supplies and materials.** The board may let contracts for the furnishing of supplies or materials for the fiscal year or part thereof, and when requisitions are presented to the board of contract and supply for supplies or materials covered by such contracts, it must purchase the same under such contracts.

§ 147. **Contract and labor bonds.** The board may provide that the successful bidder on all contracts awarded must execute and deliver to the city a bond in a sum and with the number of sureties designated by it, conditioned for the faithful performance of the contract, or conditioned for the payment of the wages and compensation of all laborers employed on the work for which the contract is made, by the contractor, the subcontractor, agent or any other person; or containing both conditions.

§ 148. **Action by laborer on bond.** Any laborer employed on municipal work performed by a contractor for which a bond conditioned for the payment of laborers has been given, may within six months after wages or compensation are due him, bring an action on such bond to recover any moneys claimed to be due him for work performed under such contract; and any number of laborers may unite in one action; but the city shall not be liable upon or by reason of such bond or for any costs or expenses in any action or proceeding thereon.

§ 149. **Guaranty bond.** When the common council has provided for the guaranty of any public improvement or work, the board of contract and supply must cause to be executed and delivered to the city with the contract, a bond in an amount and with the number of sureties designated by it, conditioned for

keeping and maintaining the improvement in good order and repair for the period designated by the common council, and containing such other conditions as the board may specify.

§ 150. **Contract not to exceed estimate.** The board must not let a contract for a public improvement or work involving a local assessment, for a greater sum than the estimated cost thereof, but if a greater amount than the estimated cost is necessarily expended in the improvement or work by reason of alteration or extension of the plans and specifications therefor, or otherwise, the whole cost thereof may nevertheless be computed by the city engineer and reported to the assessors to be assessed upon the portion or part of the city directed by the final ordinance to be assessed for the cost of the improvement or work.

§ 151. **Contractors not to assign contracts without consent.** A clause shall be inserted in all specifications or contracts hereafter made or awarded by the city, or any commission or official thereof, prohibiting any contractor, to whom any contract shall be let, granted or awarded, as required by law, from assigning, transferring, conveying, subletting or otherwise disposing of the same, or of his right, title or interest therein, or his power to execute such contract to any other person, company or corporation, without the previous consent in writing of the board of contract and supply.

If any contractor, to whom any contract is hereafter let, granted or awarded, as required by law, by the city or by any commission or official thereof, shall, without the previous written consent specified in the first paragraph of this section, assign, transfer, convey, sublet or otherwise dispose of the same, or his right, title or interest therein, or his power to execute such contract, to any other person, company or other corporation, the board of contract and supply, commission or official, as the case may be, which let, made, granted or awarded said contract shall revoke and annul such contract, and the city shall be relieved and discharged from any and all liability and obligations growing out of said contract to such contractor, or to the person to whom he may have assigned, transferred, conveyed, sublet or otherwise disposed of the same, and said contractor, and his assignee, transferee, or sub-lessee, shall forfeit and lose all moneys theretofore earned under said contract except so much as may be required to pay his employees; provided that nothing herein contained shall be

construed to hinder, prevent or affect an assignment by such contractor for the benefit of his creditors, made pursuant to the statutes of this state.

§ 152. **Liability of city.** The city shall not be held liable in any action brought or had under any contract made with a contractor, for any other or greater liability than that expressed therein, nor be required to pay out or otherwise dispose of any sums of money for the doing of such work or the furnishing of such material greater than is stipulated in such contract, nor otherwise than in strict conformity with the stipulations thereof. Extra work, however, may be done or materials furnished and allowed for by said board of contract and supply, but the same must be along and upon the line of the proposed improvements, and must be allowed by said board in writing before said work is done or materials furnished.

§ 153. **Contracts for lighting.** All municipal lighting shall be supplied pursuant to contract therefor, awarded by the board of contract and supply as herein provided. Such contract shall cover and include the lighting and supplying of the lamps and the oil, gas, electric current, the cleaning, repair and renewal of the lamps and all the materials required in the use and care thereof. No contract shall be advertised for or entered into for a period exceeding five years. Each bidder shall be required to furnish with each bid or proposal a certified check, payable to the order of the city treasurer, in such sum as the board of contract and supply shall prescribe, but not less than five thousand dollars. Such sum shall be forfeited to and become the absolute property of the city in case the bidder depositing the same shall be awarded the contract and shall not execute the same and furnish a bond for the faithful performance of such contract, in the penal sum of not less than fifteen thousand dollars, within thirty days after the award of such contract. Such certified check shall be returned to the bidder if the contract be not awarded to him, or, if awarded, he shall have executed and furnished the contract and required bond.

§ 154. **Contracts for paving.** The common council shall, by general ordinance, prescribe, approve and adopt the materials to be used in paving, repaving, repairing, surfacing or resurfacing the streets and public places of the city, and fix the standard of excellence and tests required for each such material. The city engineer shall prepare standard specifications, in accordance with



such ordinance, for the performance of the work involved in such improvements with each kind of material so prescribed, approved and adopted therefor. Whenever the common council shall determine to make any such improvement, the board of contract and supply shall then advertise for bids for the making of such improvements with each kind of pavement or materials specified, according to such plans and specifications, by publishing a notice in the official newspaper of the city and for such time as such board shall direct, not less than once each week for two weeks, and in such papers or magazines and for such times as the board shall direct. Each contract must be awarded to the lowest bidder who in the opinion of the board is responsible for the performance of the same with the material finally adopted by the common council and who shall furnish the security as hereinafter provided, unless the said board shall deem it for the best interests of the city to reject all bids made. If no satisfactory bid shall be received pursuant to said advertisement, or otherwise, the board of contract and supply may advertise for new proposals or report the facts to the common council with their recommendations. The common council may abandon the improvement or make such further directions as it deems proper. No bid shall be accepted unless accompanied with such security in such amount and penalty and in such form as the board of contract and supply may direct and approve, conditioned that the bidder will accept and execute a written contract and specification in case it shall be awarded to him. Proper specifications of work shall be filed in the city clerk's office. The security required to be given shall accompany the bid. The advertisement for bids need not contain the specifications but may refer to them as on file. No contract shall be let for such improvement unless the contractor shall also have executed and delivered to the city a bond in a penalty not less than one-half the amount of the contract, to be fixed by the board of contract and supply, duly executed and acknowledged, with two or more sureties, who shall qualify as prescribed for sureties in civil actions, or with a responsible surety company, which bond shall be approved as to its form and sureties by the board of contract and supply and by the corporation counsel and shall be filed with the city clerk. Such bond shall be conditioned for the faithful performance by such contractor of his contract in accordance with the terms thereof, and to indemnify and save harmless the said city from all negligence on his part or that of his sub-

contractors or his or their agents, employees or servants, and to pay or cause to be paid the wages and compensation of all laborers who shall be employed in work in and about such improvements, and to pay for all materials furnished in and about such improvements. Actions or proceedings on such bond may be brought by the laborers and materialmen secured thereby at any time within one year after such cause of action accrued, in their name or names or that of their assigns, but the city shall not in any manner be liable or responsible by reason of such bond, or for costs of any such action or proceeding thereon by any laborer, materialmen or their assigns.

§ 155. **Water and gas mains; telephone and electric light wires.** Whenever the common council shall finally determine to pave or re-pave any street or portion of a street and the water mains are not at said time laid in said street or the portion thereof so determined to be so improved, the common council shall have power to require and compel any water works company, or the owner of any water works having their mains laid in any of the streets of the said city, to lay their mains in and along the street, or portion of a street so finally determined by said common council to be improved as aforesaid, within such limits, of such size not exceeding the size of the adjoining pipes, in such manner, and in such place and within such time as the board of contract and supply shall determine, and may serve written, typewritten or printed notice thereof accordingly, upon such water works company, or upon such owner of water mains hereinbefore specified, to so lay or extend its or their mains in and along said street or portion thereof, so finally determined to be improved as aforesaid. And in case of neglect or refusal of such water works company, or such owners of water mains as aforesaid, to lay said mains in said street or such portion thereof as directed by said common council, and within the time and in the manner so ordered and directed by said common council, the board of contract and supply shall have the power to lay and complete the same, and the actual cost and expense incurred in doing the same shall be a valid charge and claim by the city of Rensselaer against said company, or said owner of mains as aforesaid, neglecting or refusing to so lay and complete the same, and for which said city may maintain an action against said company or owner aforesaid, and such cost and expense shall be a lien and assessed against and collected from such company or owner in the same

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manner as the expense of repairing sidewalks is collected and enforced as herein provided. The right to order and require any water company or owner of mains in any of the streets of the said city to lay its mains or pipes in a street or a portion thereof so determined to be improved as aforesaid by the common council, shall include the right to order the laying of lateral service pipes connected therewith, opposite each separate piece of property as directed by said board of contract and supply to a point or points within the curb line or lines opposite thereto by said water company, or the owners of water mains in the streets of said city, including the right of said board of contract and supply to lay and connect the same on notice to and default of said water company, and with the same liability of such company, or owner, and the same right and remedy by the city of Rensselaer against the said company, or owner, for the recovery of the actual cost and expense thereof as arises in case of water mains.

Whenever the common council shall finally determine to pave or re-pave any street, or portion of a street, in which gas mains are not at said time laid, the common council may cause to be served, written, typewritten or printed notice of its intention to pave or re-pave such street, or portion thereof, upon said gas light company, or owner of gas mains, having same laid in any of the streets of said city contiguous to the street so intended to be improved, and notifying said gas company, or owner of gas mains, as aforesaid, to extend its mains throughout the portion of the street to be improved and to lay lateral service pipes connected therewith opposite each separate piece of property on said street, or portion thereof, so to be improved, to a point or points within the curb line or lines opposite thereto.

If such gas company, or owner of gas mains, shall fail to extend its gas mains within a reasonable time to be fixed by said common council in said notice, to date from the service of such notice, such gas company, or owner of such gas mains, so required to be extended, shall not be permitted thereafter to lay its mains in the highway portion of the street so paved or re-paved, but shall only be permitted thereafter to lay its mains under the sidewalks of the street so paved or re-paved." \*

§ 156. **Sewer connections.** Whenever the sewer mains have been laid and completed in any street, or portion thereof in or upon which the common council shall have finally determined to make such improvements, by paving or repaving, said common

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\* So in original.

council shall immediately cause a notice to be published in the official newspaper of the city, requiring the owners or occupants of any and all property fronting or abutting on said street or the portion thereof, upon which such improvements are to be made, to make connections with the sewer mains in said street, or the portion thereof to be so improved, and to make and lay service and house connection pipes from said sewer mains in front of each separate piece of property, and where directed by the common council, at least to a point within the line of the curbing, within such time and in such manner as the said common council shall prescribe; and whenever any such owner or occupant shall have made default in making such connections with said sewer mains opposite the lands and premises owned or occupied by him or in making and laying service and house connection pipes therefrom at least to a point within the line of the curbing as directed in and required by said printed notice therefor in the manner and within the time therein specified, the common council shall have power and authority to so make, extend and complete the same to a point within the line of curbing opposite thereto and in front thereof, and the actual expense thereof, including all labor done and materials used in doing and completing the same shall be assessed by the common council upon each separate piece of property opposite which the same shall be done and completed, and shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner and as provided by this act for the collection and enforcement of the expenses of cleaning or repairing sidewalks.

§ 157. **Inspectors; payment of same; civil service examination.** The board of contract and supply may, in its discretion, appoint and employ an inspector (who in the case of the construction of a sewer, must be a practical mechanic) of any work during the continuance thereof, when such work is to be done under any contract for the construction of culverts or drains or for the paving of streets; and for any work that is being carried on in two or more remote sections, a separate inspector may be appointed for each section during the continuance of work thereon. And whenever, in the opinion of the city engineer, the character of the work shall require it, the board of contract and supply may appoint an additional inspector, who shall be a civil engineer and who shall act as such inspector temporarily or during the continuance of the entire work as such board may in its discretion

determine. Such inspectors shall be paid a per diem allowance, to be fixed by said board of estimate and apportionment, to be included in the estimated cost of the work inspected. No person shall be appointed as such an inspector until the local board of civil service commissioners shall have subjected him to an examination as to his competency and fitness for such an appointment, and shall have certified the same to the board of contract and supply.

§ 158. **Power to purchase and contract limited.** No person shall have power to make any purchase or contract any debt for which the city shall be liable unless specifically authorized by the provisions of this act.

## TITLE VII.

### PUBLIC WORKS COMMISSION.

Section 165. **Commissioner and deputy commissioner of public works.**

166. Powers and duties of commissioner.

167. Repair of sidewalks; removal of ice and snow.

168. In keeping track clear of snow streets not to be made impassable. In case of refusal commissioner of public works to do work and expense to be assessed on company.

169. Sewer, gas and water mains.

170. Issue of licenses to connect with sewers and water mains restricted.

171. Street surface not to be broken without permit.

172. Bond required before permit is given.

173. Performance of public work to be certified.

174. Supervision over parks.

§ 165. **Commissioner and deputy commissioner of public works.** The commissioner of public works shall be the head of the department of public works. He shall appoint, to hold office during his pleasure, a deputy and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy commissioner shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner and deputy

commissioner before entering upon the discharge of the duties of their respective offices shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 166. **Powers and duties of commissioner.** The commissioner, subject to the provisions of law and ordinances of the common council, shall have cognizance, direction and control of the construction, maintenance, alteration, repair, care, cleaning, paving, flagging, lighting and improving of the streets, highways, sidewalks and public places of the city; of the construction, alteration and repair of all city buildings and of all docks and bridges belonging to the city; of all public sewers and sewer connections and drains in the city; of the construction, maintenance, extension, repair and care of the city water works if any; of the care, superintendence and management of and improvement of all parks and grounds, public baths and recreation piers belonging to the city. Except as otherwise provided by law, the commissioner shall have supervision of, control over and jurisdiction and authority to make all ordinary repairs or improvements upon the streets, parks, sidewalks, crosswalks, gutters, vaults, drains, culverts, bridges and public ways and places of the city, including the cleaning, sprinkling, laying of dust with substances other than water, watering and flushing of the same, and may employ such laborers and teams and incur such expenditures as may be necessary within the limits of the appropriations made therefor. It shall be his duty to inspect the same with sufficient frequency to ascertain their condition and cause the same to be kept free from obstructions and in good condition and repair and reasonably safe for public use. The commissioner shall also have general supervision and control of all work performed under any contract of the city for local or other improvements to be performed within or upon any of the public streets, parks, ways, and places, or with reference to the public works and ways within the jurisdiction of his department, including the lighting, sprinkling, laying of dust with substances other than water, watering or flushing of streets or public places, and shall cause the same to be performed in full compliance with the provisions of any contract therefor. Except as otherwise provided by law or ordinance of the common council, the commissioner of public works has, over the streets and public



places within the city, all the jurisdiction and is charged with all the duties of commissioners of highways within the towns of the state.

§ 167. **Repair of sidewalks; removal of ice and snow.** The commissioner of public works shall have full power and authority to require the owner of property abutting upon a street to repair any sidewalk, curb or gutter in front thereof or bring the same to true grade, and to remove the snow and ice therefrom. Where the owner of such property shall fail or neglect to repair any sidewalk or bring the same to true grade for five days after written notice so to do has been served on him, either personally or by delivering the same at his residence, or if he be a nonresident by mailing the same to him at his last known place of residence, or if the name of the owner or his place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises; or where the owner of any such premises shall fail or neglect to remove snow and ice from any such sidewalk after the same has remained thereon for more than twelve hours, and the commissioner shall have repaired such sidewalk or brought the same to grade or removed the ice or snow therefrom, he or any other officer, who may under the other provisions of this act do or perform any work or incur any expense chargeable against the owner or property and which under this act is made collectible as a part of the city tax or in the same way as is provided for the assessment and collection of the expense of repairing or cleaning sidewalks, shall upon the completion of the work or the incurring of such expense file with the city treasurer a statement of the actual cost of the work performed or the amount of the expense incurred, together with a statement as to or a description of the property in front of which the repairing or grading or cleaning or other work was done or in connection with which the expense was incurred. The city treasurer shall thereupon serve a copy of a notice setting forth a summary of the statement so filed, on the owner of the property described in such statement in the same manner as is provided in section three hundred and thirty-eight of this act for the service of notices for payment of city taxes, with a demand for the payment thereof within thirty days. The treasurer at the time of making the service of such notice shall endorse on the original notice retained by him, his certificate as to date and manner of service of such notice upon the owner. Such certificate or



a certified copy thereof, shall be presumptive evidence of the proper service thereof and of the facts stated therein; and if he shall fail to pay the same within thirty days thereafter, the treasurer in each case shall file on or before June fifteenth in each year a copy of the notice served on the owner and of his certificate of the manner and date of the service thereof on owner, with the assessors of the city, who shall, in the preparation of the next assessment-roll of general city taxes, insert and assess such amount with the interest thereon from the date of the expiration of notice to pay, upon such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof.

§ 168. In keeping tracks clear of snow streets not to be made impassable; in case of refusal commissioner of public works to do work and expense to be assessed on company. No street railroad company operating a railway in the city, in cleaning snow or ice from its tracks, shall render the street or streets impassable, but shall remove the same so as not to leave any extra snow or ice on either side of the tracks in such wise as to create an uneven grade along the line of said track on either side; and the snow or ice removed from said tracks in cleaning the same shall be removed from the street or streets. If any railroad company shall refuse, neglect or delay to do the work herein required, the commissioner of public works shall cause the said work to be done at the expense of such railroad company, which shall be presented, assessed and enforced in the same way as expense of removing snow and ice from sidewalks as provided in this act.

§ 169. Sewer, gas and water mains. The opening of all trenches and excavations in the street and the laying and attaching of all service and house connection pipes with the water mains and sewers shall be done under the direction of the commissioner of public works, who shall prescribe the manner in which the same shall be done and issue permits therefor. No paving, repaving or macadamizing shall be done in any street, until the gas and water mains and sewers shall have been laid therein and service and house connection pipes to the same laid in front of each separate piece of property to the extent and in such manner as provided by this act.

§ 170. **Issue of licenses to connect with sewers and water mains restricted.** The commissioner of public works shall not issue a license to any one to connect with the sewers or with the water mains of the city, unless such person has obtained and shall produce a certificate of competency from the examining board of the city, and have filed the requisite bond therefor.

§ 171. **Street surface not to be broken without permit.** It shall be unlawful for any person to break the street surface for any purpose, or to make connections with any street drain, sewer, culvert or basin, or to occupy any street for building purposes, without first having obtained a permit therefor from the commissioner of public works.

§ 172. **Bond required before permit is given.** The commissioner of public works shall require from all persons applying for permits to use the streets for drain or building purposes a bond in such penal sum as he shall direct, conditioned to indemnify and save harmless the city of Rensselaer from all cost, loss or damage the city of Rensselaer may sustain or become liable for on account of any accident or otherwise, occasioned, directly or indirectly, by the work under or pursuant to such permits.

§ 173. **Performance of public work to be certified.** All public work performed pursuant to contract under the supervision or control of the commissioner shall, before it is accepted, be certified to by him to the effect that such work has been performed in a good and substantial manner, with the materials required, of the quality and in the manner directed by the terms of the contract under which the same was done. Within ten days after the completion of any such work the commissioner shall file a certificate of such completion with the city clerk, to be reported by him to the common council. Such certificate shall state in substance that said work has been duly examined by the commissioner and that the same has been fully performed and completed in accordance with the terms of the contract therefor.

§ 174. **Supervision over parks.** Unless otherwise provided by law, the commissioner of public works shall have the supervision, care, management and control of all the parks of the city and of such portions of the streets as pass through or intersect the same, and of the shade trees of the city. Subject to the ordinances of the common council, he shall prescribe the powers and duties of his subordinates and shall, except as otherwise provided by law, superintend the expenditure of all moneys appropriated for park

purposes. He shall keep an account of such expenditures and shall approve all claims against the city on account thereof before submission to the common council for audit. The commissioner may make all ordinary repairs and improvements upon the parks and such intersecting streets, may employ all laborers needed thereon, and fix their wages, subject to the approval of the board of estimate and apportionment. Except as otherwise provided by law, he shall conduct, with the aid of the corporation counsel, all negotiations and proceedings for the acquisition of lands for park purposes, when the same shall have been authorized by ordinance of the common council and approved by the board of estimate and apportionment. He shall make such rules and regulations, not inconsistent with the ordinances of the common council and laws of the state, as he shall deem proper for the government, management and care of the parks and of the streets in and through the same, and of such other streets, being approaches thereto, as may be designated by ordinance of the common council as parkways, and such rules and regulations, when approved by the common council, shall have the force and effect of city ordinances. The commissioner shall have such other powers and be charged with such other duties, not inconsistent with the provisions of this act and the laws of the state, as the common council by ordinance may define and prescribe.

## TITLE VIII.

### DEPARTMENT OF ENGINEERING.

Section 185. City engineer; general \*provisions and duties.

186. Inspectors' duties defined by engineer; notice of neglect of duty; suspension; substitute.

187. Engineer to certify work done.

188. Removal of buildings encroaching on streets.

§ 185. City engineer; general powers and duties. The city engineer shall appoint to hold office during his pleasure a deputy and such other subordinates as may be prescribed by the board of estimate and apportionment. He shall keep in his office books and records properly indexed in which there shall be entered the survey and map of every street, park, avenue, lane, sidewalk, water main and service pipe, sewer and sewer inlet and conduit, with location and grade thereof, as far as practicable, both those heretofore established and which may hereafter be established. He

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\* So in original.

shall perform all the ordinary civil engineering required for the city and its various commissions, and shall make all preliminary surveys and prepare all plans, profiles and specifications, and shall perform all engineering work, which may be directed by the mayor, common council and commissioner of public works and all the duties by this act or by law or ordinance provided. All maps, profiles, surveys and other data which he may make or which shall be kept by him shall be and remain the property of the city. The city engineer and city judge are hereby constituted fence viewers in and for the city of Rensselaer.

§ 186. **Inspectors' duties defined by engineer; notice of neglect of duty; suspension; substitute.** The city engineer shall define the duties of all inspectors of public improvements, and they shall report to him in such manner and at such times as he shall designate. He shall give notice, in writing, to the person or persons by whom the inspectors are appointed, and also to the inspector, of any failure or neglect on the part of any of said inspectors to properly perform his duty, and upon receipt of the same by said person or persons and inspector, the inspector complained of shall be suspended from his said office forthwith, and shall be removed unless the said inspector show cause to the contrary before the board of contract and supply at its next regular meeting. The city engineer shall appoint a substitute for any inspector who may be suspended from his office, during the period of such suspension, and the person so appointed as a substitute shall be paid the same per diem allowance and shall perform all the duties and have all the powers of the suspended inspector.

§ 187. **Engineer to certify work done.** All work done under contract entered into under the authority by law or ordinance conferred upon the board of contract and supply, or by the direction, appointment or employment of the commissioner of public works, shall, before it is accepted, and in addition to the certificate herein required, be certified to by the city engineer to the effect that such work has been done in a good and substantial manner, with the material required, of the quantity prescribed and in the manner directed in and by the terms of the contract or of such authority, direction, appointment or employment.

§ 188. **Removal of buildings encroaching on streets.** If any building or obstruction now erected, or hereafter to be erected, shall stand upon or project beyond the range of the street, the city engineer shall, upon receipt of written directions from the

commissioner of public works or common council, send written notice thereof to the owner or person erecting or maintaining the same, who shall, within ten days after the receipt of such notice, remove the said building to the range of the street laid down by the city engineer, and in case of neglect or refusal of said owner or person erecting the same to comply with said notice, the city engineer shall cause said removal to be made. The expense thereof shall be assessed and collected from the owner of such building in the same way as is herein provided for collection and enforcement of expenses of removal of snow and ice from and repair of sidewalks.

## TITLE IX.

### PUBLIC SAFETY COMMISSION.

- Section 195. Commissioner of public safety; appointees.  
196. Duties of commissioner.  
197. Deputy commissioner.  
198. Rules, orders and regulations.  
199. Constitution of police and fire departments.  
200. Membership.  
201. Exemptions.  
202. Chief of police; assistant chief.  
203. Powers and duties of members of police department.  
204. Service of process.  
205. Political activity prohibited.  
206. Terms of office.  
207. Discipline.  
208. Appeal from determination of commissioner.  
209. Present volunteer fire companies to constitute the fire department.  
210. Exempt firemen.  
211. Commissioner has powers of board of health.  
212. Health officer.  
213. Deputy health officer.  
214. Appeals from orders of health officer.  
215. Approval of plans for sewers and drains.  
216. Plumbing inspector, compensation.  
217. Department of weights and measures.  
218. Duties and powers of sealer.  
219. Commitment to police station; account of criminal expenses chargeable to county.

§ 195. **Commissioner of public safety; appointees.** The commissioner of public safety shall be the head of the department of public safety. He may, with the approval of the board of estimate and apportionment, appoint, to hold office during his pleasure, a deputy. He may appoint a chief of police in place of the present chief of police and an assistant chief in place of present sergeant, and pursuant to the provisions of this act appoint members of the police department and employees of the fire department in the place of such members of the present police and fire force as he shall deem proper to dismiss; and a chief engineer of fire department in place of the present chief engineer, and two assistant chief engineers in place of the present assistant chief engineers. Whenever a vacancy occurs in the office of the chief of police or chief of the fire department, the commissioner of public safety shall appoint, in his discretion, a person deemed by him to be suitable and competent to fill the same. The chief of police and chief engineer of the fire department shall each hold office during good behavior, or until permanently incapacitated or unfit to discharge his duties. The commissioner may appoint such other subordinates as may be prescribed by the board of estimate and apportionment to hold office, except as otherwise provided by law, during his pleasure. In case of the absence or disability of the commissioner or a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. Before entering upon the discharge of the duties of their respective offices, the commissioner and his deputy shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 196. **Duties of commissioner.** The commissioner of public safety shall have cognizance, jurisdiction, supervision and control of the government, administration, disposition and discipline of the police department, fire department, and health department, and of the officers and members of said departments, and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of said departments, and the apparatus and property thereof and buildings furnished therefor, and shall have the general direction and supervision of the expenditure of all moneys appropriated to said department. He shall possess such other powers and perform such other duties as may be prescribed by law or by ordinance of the common council.

§ 197. **Powers and duties of deputy commissioner.** The deputy commissioner shall have authority to administer oaths and take evidence, affidavits and acknowledgments in all matters and proceedings pertaining to the department. He shall have general supervision over the records of the department and its officers and shall perform such other duties as may be prescribed by the commissioner or by law or by ordinance of the common council.

§ 198. **Rules, orders and regulations.** The commissioner of public safety shall make, adopt and enforce such reasonable rules, orders and regulations, not inconsistent with law, as may be reasonably necessary to effect a prompt and efficient exercise of all the powers conferred and the performance of all duties imposed by law upon him or the departments under his jurisdiction. He is authorized and empowered to make, adopt, promulgate and enforce reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers, employees and \*member of the police and fire departments, and for the hearing, examination, investigation, trial and determination of charges made or preferred against any officer or employee of said departments for neglect of official duty or incompetency or incapacity to perform his official duties or some delinquency seriously affecting his general character or fitness for the office, and may, in his discretion, punish any such officer or employee found guilty thereof by reprimand, forfeiting and withholding pay for a specified time, by suspension during a fixed period or dismissal from office; but no officer or employee of said departments hereafter to be appointed shall be removed or otherwise punished for any other cause nor until specific charges in writing shall have been preferred against and served upon him, and he shall have been found guilty thereof, after reasonable notice and upon due trial before said commissioner in the form and manner prescribed by law and the rules and regulations of the department.

§ 199. **Constitution of police and fire departments.** The police and fire departments shall, as to component parts, remain as now constituted until the same shall be changed by action of the common council. The common council shall have power at all times by ordinance to determine the number of members of the police force and of the employees of each of said departments and the classes and grades into which they shall be divided, except that it shall not have the power to diminish the number of the employees

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\* So in original.



of either of said departments as now fixed. The number of members of the police department or employees in fire department shall not be increased without the approval of the board of estimate and apportionment. The common council may pass ordinances not inconsistent with law for the government of the police and fire departments, and regulating the powers and duties of their officers, employees and members. The commissioner shall appoint, as vacancies in said department occur, all officers and employees thereof, and classify and apportion them into grades to conform to such ordinances.

§ 200. **Membership.** No person shall hereafter be appointed to membership in the police department or be employed in the fire department of the city, or continue to hold membership therein, who is not a citizen of good moral character, who has ever been convicted of a felony, who cannot understandingly read and write the English language, and who shall not have resided in the city during the two years next preceding his appointment. Except to the office of the chief of police and assistant chief of police, the commissioner shall make all appointments, promotions and changes of status of the officers and members of the police and the employees of the fire department in accordance with the provisions of the civil service law of the state, except as otherwise provided herein. In making promotions, seniority and meritorious service in the department, as well as superior capacity, as shown by competitive examination, shall be taken into account. Individual acts of bravery may be treated as acts of meritorious service, and the relative weight therefor shall be fixed by the municipal civil service commission. No member of the police department or employee of the fire department shall hold any other office nor be employed in any other department of the city government.

§ 201. **Exemptions.** No member of the police or fire department shall be liable to military or jury duty or to arrest on criminal or civil process while on duty.

§ 202. **Chief of police; assistant chief.** The chief of police shall have the power and it shall be his duty to enforce all rules and regulations of the commissioner of public safety relating to the police department; to commit any person charged with a criminal offense until an examination shall be had before the proper magistrate; to administer oaths and take affidavits in respect to all matters pertaining to his official duties, and to perform all such other duties

as may be prescribed by law, the commissioner of public safety, or ordinance of the common council. The assistant chief of police shall discharge such duties incident to his office as may be imposed upon him by the commissioner of public safety or by the chief of police and shall in case of the absence or disability of the chief of police to act, possess the power, and discharge the duties of the chief of police.

§ 203. **Powers and duties of members of police department.** The members of the police department in criminal matters have all the powers of peace officers under the general laws of the state, and they shall also have the power and it shall be their duty to arrest any person found by them violating any of the penal ordinances of the city or laws of the state, and to take such person before the city judge. Such person shall be dealt with in the same manner as if he had been arrested upon a warrant theretofore duly issued by such city judge. They shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the commissioner of public safety. They shall also have, in every other part of the state, in criminal matters all the powers of constables and any warrant for search or arrest issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. They shall possess such other powers and perform such other duties as may be provided by law or ordinance of the common council.

§ 204. **Service of process.** All criminal process for any offense committed within the city, and all process to recover or to enforce any penalty for the violation of any city ordinance issued out of any court or by any magistrate within the city, and every process, subpoena or bench warrant issued by the district attorney of the county in which the city is situated, relating to any offense committed within the city, and every process, subpoena or warrant issued by any coroner of such county in any inquest held in the city relative to the death of any person, may be served by any member of the police department.

§ 205. **Political activity prohibited.** No officer or member of the police department shall be a member of or delegate to any political convention, nor shall he be present at such convention except in the performance of duty as such officer or member. He shall not solicit any person to vote at any political primary or election, nor challenge, nor in any manner attempt to influence

any voter thereat. He shall not be a member of any political committee. Any officer or member violating any provision of this section shall be dismissed from office.

§ 206. **Terms of office.** All members of the police department and the employees of the fire department, hereafter to be appointed subject to the power of removal hereinafter specified, shall hold their respective offices during good behavior or until by age or disease they shall become permanently incapacitated to discharge their duties.

§ 207. **Discipline.** A charge may be made by any person against any officer, employee or member of the police or fire departments that he has been negligent or derelict in the performance of his official duties, or is incompetent or without capacity to perform the same or is guilty of some delinquency seriously affecting his general character or fitness for the office, which charge must be in writing, in the form prescribed by the rules and regulations of the commissioner of public safety, and a copy thereof must be served upon the accused officer or member. The commissioner shall then proceed to hear, try and determine the charge. The accused shall have the right to be present at his trial and to be heard in person and by counsel and to give and furnish evidence in his defense. All trials shall be open to the public. The commissioner may issue subpoenas in his name, and compel the attendance of witnesses, and shall upon the oral application of the accused issue a subpoena on the behalf of the accused, leaving the space for the names of his witnesses blank that he may fill in their names, upon any proceeding authorized by the rules and regulations of the department, and any person served with a subpoena is bound to attend in obedience to the command thereof; and the commissioner shall compel the attendance of witnesses and compel them to testify in the same manner as in the case of any officer or board authorized by law to issue subpoenas and take testimony. If the accused shall be found guilty of the charge made against him, the commissioner may punish him by reprimand, by forfeiting and withholding pay for a period not to exceed thirty days, by suspension without pay during a period not to exceed thirty days, or by dismissal from office. At any time within one year after the date of dismissal, any officer or member dismissed may make application to the commissioner for rehearing and reinstatement. Such application must be in writing and contain a release of the city from all claims for back compensation. The com-

missioner may, in his discretion, rehear and redetermine the charges and reverse the order for such dismissal of such officer or member, with or without an allowance of the whole or a part of the time since such dismissal to be applied on his time of service in the department and when there is a vacancy appoint him if not otherwise incapacitated or ineligible, or may affirm such dismissal. At any time within one year after this act takes effect or within one year after the date of resignation, an officer or member who has resigned may make application to the commissioner for reinstatement and the commissioner may, in his discretion, reinstate him, and when there is a vacancy appoint him, if he is not otherwise incapacitated or ineligible, but the time between the date of resignation and reinstatement shall not apply on his time of service in the department.

§ 208. **Appeal from determination of commissioner.** In case any such officer, employee or member is aggrieved by the determination of the commissioner on any trial of charges, as specified in the preceding section, he may, within thirty days after the rendering of such determination, take an appeal therefrom on questions of law to the appellate division of the supreme court. An appeal taken, as prescribed herein, shall be perfected by the service of notice of appeal upon the commissioner. He shall, within ten days thereafter, make and file with the county clerk of the county of Rensselaer, a complete return and record of the proceedings on such trial. For the use of the parties and the court on such appeal, the appellant shall cause a certified or stipulated copy of said return to be printed and issued and all the rules and statutes concerning the correction and service and use of a printed case on appeal shall as far as appropriate be applicable to the correction, service and use on appeal of said records.

§ 209. **Present volunteer fire companies to constitute the fire department.** The several volunteer fire companies at present composing the fire department of the city of Rensselaer shall, after this act takes effect, continue under the same names and organizations as at present, and with the officers and employees of the fire department shall constitute the fire department and be under the control and supervision of the commissioner of public safety, and be subject to suspension or removal by him. The members of each of the said fire companies may, pursuant to rules to be prescribed by the commissioner of public safety and subject to confirmation by said commissioner and chief engineer of the fire department,

elect, expel or accept the resignation of any of the members or officers of said companies.

§ 210. **Exempt fireman.** Every member of any of the volunteer fire companies of said city, while such member, shall be exempt from serving in the militia, except in case of war, invasion and insurrection, and every person who shall serve in such fire department five successive years shall thereafter be entitled to like exemption from military service and a certificate of such service, authenticated by the mayor of the city, with the corporate seal attached shall be presumptive evidence before all courts and officers, civil and military, of such exemption. The members of any such companies shall be entitled to any other rights or privileges that may be conferred by law on members of volunteer fire companies.

§ 211. **Commissioner has powers of board of health.** The commissioner of public safety shall exercise all the powers and is charged with all the duties now or hereafter conferred upon or required of local boards of health by the laws of this state, so far as the same pertain to cities, with the exceptions, limitations and additions herein contained. No power now or which may hereafter be conferred by the laws of this state on the local boards of health to make and publish general orders and regulations for the preservation of life and health and the execution of the public health law, shall devolve upon or be exercised by the commissioner, but the same shall be vested in the common council, to be exercised by ordinances adopted, and with the power of fine, imprisonment and penalties as herein provided. The power to make special or individual orders and regulations for the suppression of nuisances and concerning other matters detrimental to public health, not of general application, now or hereafter conferred upon local boards of health, may be exercised by the commissioner of public safety in the manner now or hereafter provided by law.

§ 212. **Health officer.** No person shall be eligible to appointment as health officer unless he shall be a physician and surgeon duly licensed to practice under the laws of this state, and who has practiced as such for at least two years. The health officer shall possess such powers and perform such duties as shall be delegated to or prescribed for health physicians of cities by law by the commissioner of public safety or by ordinance of the common council. The health officer shall render medical services to indigent sick persons under the direction of one of the charity commissioners,

but no sick persons shall be maintained at any institution at the expense of the city unless one of the charity commissioners shall certify that such person is an indigent person and is a proper city charge. This section shall not be construed as applying to almshouses, hospitals or other public institutions which are provided with a regularly appointed medical and surgical staff.

§ 213. **Deputy health officer.** The health officer may, when authorized by the commissioner and subject to the approval of the board of estimate and apportionment, appoint such assistants and employ such health and sanitary experts as may be required to carry into effect the powers, decisions, orders and directions vested in said commissioner and health officer by this act and otherwise by law. The compensation of such deputy, assistants and experts shall be fixed by the commissioner, subject to the approval of the board of estimate and apportionment.

§ 214. **Appeals from orders of health officer.** Any person aggrieved by an order, decision or direction of the health officer, may appeal therefrom to the commissioner, who may affirm, reverse or modify the order, decision or direction appealed from. Such appeal must be made by serving on the health officer a written notice of appeal within two days, Sundays and legal holidays excepted, or within such further time as shall be allowed by the commissioner after the appellant receives notice of the order, decision or direction appealed from. Within two days after receiving such notice of appeal, Sundays and legal holidays excepted, the health officer shall make a written return to the commissioner of the facts and evidence on which such an order, decision or direction is founded. Upon receipt of such return, or if no return be made within the time specified, the commissioner shall forthwith proceed to hear and determine the matter. Upon such appeal the commissioner need not be confined to the evidence contained in the return but in his discretion may take additional evidence. Until the decision of the appeal be made, the order, decision or direction appealed from shall be suspended. In case of failure to sustain the appeal, the commissioner may, in his discretion, impose costs not exceeding ten dollars upon the appellant.

§ 215. **Approval of plans for sewers and drains.** All plans for sewers and drains shall be submitted to the health officer for his approval before contracts are let for the construction of the same, and, in case he shall disapprove the plans, such sewer



and drains shall not be constructed unless, on appeal to the commissioner, he shall approve them. The health officer shall have power, subject to the right of appeal herein provided, to stop the construction or use of drains and sewers which are not being properly constructed or properly used, or which are not in accordance with plans previously approved and adopted.

§ 216. **Plumbing inspector; compensation.** The commissioner of public safety shall appoint an inspector of plumbing. Such inspector of plumbing shall be a practical plumber and not be engaged directly or indirectly in the business of plumbing in the city of Rensselaer during the period of his appointment. He shall be a citizen and actual resident of the city and before entering upon the discharge of his duties as such inspector he shall obtain a certificate of competency from the examining board of plumbers of the city. His compensation shall be fixed by the commissioner of public safety subject to the approval of the board of estimate and apportionment. The plumbing inspector under the direction and control of the commissioner of public safety, has the powers and must perform the duties of plumbing inspector as prescribed by the general city law and must perform such other duties as may be prescribed by ordinance of the common council and commissioner of public safety.

§ 217. **Department of weights and measures.** The department of weights and measures is in the department of public safety, and the head thereof is the sealer of weights and measures, and he shall have power, with the approval of the commissioner, to appoint to hold office during his pleasure such subordinates as may be prescribed by the board of estimate and apportionment.

§ 218. **Duties and powers of sealer.** The sealer of weights and measures, under the direction and control of the commissioner, has the powers and must perform the duties of town sealers of weights and measures under the general laws of the state, and must supervise the weighing of coal as prescribed by law, and must inspect and seal weights and measures as prescribed by the ordinances of the common council or otherwise by law; and must perform such other duties as may be prescribed by ordinance of the common council.

§ 219. **Commitment to police station; account of criminal expenses chargeable to county.** The city judge of the city may commit any person charged with crime and pending examination or trial therefor, to the police station in said city, and the officer



in charge of said police station is authorized and required to receive any such person so committed, and retain him in custody in accordance with his commitment. The commissioner of public safety is hereby authorized to charge to the county of Rensselaer, or to any town therein, for services performed by any policeman in criminal proceedings such fees as are allowed to constables in towns for like services and chargeable to said county or towns, and the same shall be audited and allowed by the board of supervisors of said county or by the board of town auditors of such town, to and for the benefit of the city of Rensselaer, and shall be paid to the treasurer of said city and are to be deemed part of the unexpended appropriation for the police department.

## TITLE X.

### CHARITY COMMISSION.

Section 225. Charity commissioner districts.

226. Powers and duties of the commissioners of charities.

227. Monthly report of commissioners.

228. Common council to audit accounts.

229. City owner of supplies.

230. Liability of city.

§ 225. **Charity commissioner districts.** All of that part of the city of Rensselaer lying south of the center line of Harrison avenue as extended to the east and west boundary lines of the city, shall comprise the first charity commissioner district, and all of that part of the city of Rensselaer lying north of said line as extended shall comprise the second charity commissioner district.

§ 226. **Powers and duties of the commissioners of charities.** Except as otherwise provided by this act the commissioners of charity of the city of Rensselaer shall have and exercise within their respective districts in the city of Rensselaer the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioners of charities of the city shall, by virtue of their office, in their respective districts also possess all the powers and authorities of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contracting for the service of disorderly persons, the support of bastards and pro-

ceedings to charge the fathers and mothers of such bastards and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and they shall be subject to the same duties, obligations and liabilities. It shall be the duty of each commissioner to visit the poor of his district at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such person shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The said commissioner shall require all persons making application for relief, to make such application in writing, which shall be preserved by the said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioners of charities shall have power to administer oaths to, and examine under oath any person applying to them for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, each charity commissioner district herein created shall be deemed one of the towns of Rensselaer county. The commissioners shall issue written orders for all means, provisions and supplies furnished to the poor of said city as prescribed by this act. They shall not employ any physician other than the city health officer.

§ 227. **Monthly report of commissioners.** Each of the said commissioners shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article furnished or

ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same, and the amount of and the orders issued by him and outstanding. Said report shall be filed with the city clerk.

§ 228. **Common council to audit accounts.** All charges and accounts against the city for services rendered, acts done, or means, provisions or supplies furnished under the direction of the commissioners of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the appropriation therefor.

§ 229. **City owner of supplies.** The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 230. **Liability of city.** Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

## TITLE XI.

### LAW DEPARTMENT.

Section 235. Corporation counsel.

236. Duties of the corporation counsel.

237. Costs.

238. Account of moneys collected.

239. Certification and approval of contracts and conveyances.

240. Compromise of claims.

241. Claims and actions for negligence.

242. Actions for damages or injuries to person or property.

243. Police to aid corporation counsel.

244. No security required by city.

245. Judgments against city.

§ 235. **Corporation counsel.** The corporation counsel shall be the head of the department of law. He may appoint to hold office during his pleasure, such assistants and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the corporation counsel, or of a vacancy in the office, the first assistant shall discharge the duties of the office until the corporation counsel returns, his disability ceases or the vacancy is filled. The corporation counsel and first assistant before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 236. **Duties of the corporation counsel.** The corporation counsel shall be and act as the legal adviser of the common council and of the several officers and commissions of the city. He shall appear for and protect the rights and interests of the city in all actions, suits and proceedings brought by or against it or any city officer or commission, and such officer or commission shall not employ other counsel. The corporation counsel may, however, with the written consent of the mayor, employ counsel, at such compensation as may be approved by the board of estimate and apportionment, to assist him in the argument and conduct of important cases or proceedings in which the city or any officer, board or department thereof is interested or a party.

§ 237. **Costs.** Neither the corporation counsel, clerk, or any other subordinate or assistant, shall receive any fee or compensation of any kind, other than the salary fixed by law or by the board of estimate and apportionment, except that the corporation counsel shall be entitled in actions and proceedings in which the city or any officer or commission thereof shall be successful, to receive to his own use all costs and allowances which shall be collected from the adverse party; but he shall repay to the city treasurer all amounts disbursed in the progress of such actions and proceedings which were taxable as disbursements therein, and which shall have been paid by the city, whenever and as soon as such amounts are collected, provided, however, that all costs, allowances and disbursements in proceedings for the opening of

streets and the acquisition of land by condemnation shall be collected and paid over to the city treasurer for the benefit of the city.

§ 238. **Account of moneys collected.** The corporation counsel shall pay over at once to the city treasurer, for and on behalf of the city, all moneys, except costs which he is entitled to retain as hereinbefore provided, collected by him for and on behalf of the city, including fines and penalties.

§ 239. **Certification and approval of contracts and conveyances.** No written contract providing for the payment of two hundred dollars or more, entered into by the city or any of its officers or commissions, shall become effective or be acted under until there shall be indorsed thereon by the corporation counsel or an assistant a certificate to the effect that the city officer or commission which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; he shall approve all deeds, conveyances, leases and abstracts of title affecting property acquired, conveyed to or leased by the city; and he shall attend to all the law business of the city and discharge such other duties as may be prescribed by law or ordinance of the common council.

§ 240. **Compromise of claims.** The corporation counsel shall, whenever he considers that the interests of the city will be subserved thereby, enter into an agreement in writing, subject to the approval of the board of estimate and apportionment, to compromise and settle any claim against the city, which agreement, when so approved, shall constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon from its date, be included in the next city tax budget and be collected and paid the same in all respects as a judgment against the city. Such judgments may, however, be paid before the adoption of the budget from the revenues of the city not otherwise appropriated, if same be sufficient therefor.

§ 241. **Claims and actions for negligence.** All claims against the city for injuries on account of alleged negligence shall be presented to the common council in writing within three months after said injury is received, describing the time, place, cause and extent of the injury and giving the names of all persons present at the time so far as the same are known, and also the nature and extent of the injury, verified by the oath of the claimant, if possible. An omission to present such claim within three months,

as above provided, shall be a bar to an action thereon against the city. No action shall be commenced against said city on such claim within two months from the presentment thereof and no such action shall be commenced after the expiration of one year from such injury.

§ 242. **Actions for damages or injuries to person or property.** No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street, unless written notice thereof relating to the particular place was actually given to the commissioner of public works and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice. The city shall not be liable in a civil action for damages or injuries to person or property, or invasion of personal or property rights, of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the city, or any of its agents, officers or employees, unless a claim therefor in writing, verified by the oath of the claimant, containing a statement of the place of residence of the claimant, by street and number, if any, otherwise such facts as will disclose such place of residence with reasonable certainty, and describing the time when, the particular place where and the circumstances under which the damages or injuries were sustained, the cause thereof and, so far as then practicable, the nature and extent thereof, shall within three months after the happening of the accident or injury or the occurrence of the act, omission, fault or neglect out of which or on account of which the claim arose, be presented to the common council and served upon the mayor or city clerk and notice of intention to commence an action thereon be served upon the corporation counsel, nor unless an action shall be commenced thereon within one year after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect; but no action shall be commenced to recover upon or enforce any such claim against the city until the expiration of three months after the service of said notice upon the corporation counsel. This section applies to claims of infants and all other persons. Nothing herein contained, however, shall

be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the city. The place of trial of all actions or proceedings against the city or any commission shall be in the county of Rensselaer.

§ 243. **Police to aid corporation counsel.** It shall be the duty of every member of the police force of the city, observing or having any knowledge of any accident from which a cause of action might arise against the city, to forthwith report the facts of such accident to the corporation counsel; and upon the request of the corporation counsel, the chief of police shall detail some member of the force to aid the corporation counsel in the investigation of claims against the city for injuries to person or property.

§ 244. **No security required by city.** No bond, undertaking or security is necessary to be delivered or filed by the city or any of its officers or commissions, in any action, suit or proceeding in or before any court, judge or justice of the state, on appeals, or for adjournments, stays, injunctions or other matters in which security is required, unless otherwise specifically required by this act.

§ 245. **Judgments against city.** The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable, to the common council; and such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of the judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, if there be any moneys in the treasury derived from the revenues of the city, other than by taxation and not otherwise specifically appropriated, sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery, upon the production of certified copy of the docket thereof.



## TITLE XII.

## EDUCATION COMMISSION.

Section 250. Commissioners; appointment, term of.

251. Commission; powers of.

252. General powers of commission.

253. Superintendent of schools, removal of.

254. Duties of superintendent of schools.

255. Appointment of teachers.

256. Care of school buildings.

257. School moneys.

§ 250. Commissioners; appointment, term of. There shall be a commission of education composed of three members, to be called commissioners of education, who shall be appointed as hereinafter provided, which commission shall be the head of the department of education. They must have been electors of the city for a period of at least five years immediately preceding the date of appointment. Within ten days after the passage of this act, the mayor shall appoint one commissioner to serve until January fifteenth, nineteen hundred fourteen, one to serve until January fifteenth, nineteen hundred fifteen, and one to serve until January fifteenth, nineteen hundred sixteen; and thereafter, at the expiration of the term of any commissioner, the mayor shall appoint his successor for the term of three years, which shall be the term of office of every commissioner so appointed. In the case of a vacancy in the office of commissioner, the mayor shall fill the vacancy by the appointment of a commissioner for the remainder of the term.

§ 251. Commission; powers of. The commission shall appoint one of its members president, who shall exercise all the powers usually incident to such office. It shall after the expiration of the contract of the present superintendent of schools also appoint a suitable person other than a member thereof, superintendent of schools in the city, who shall exercise the powers and discharge the duties hereinafter defined, and shall be allowed such compensation for his services as the board of estimate and apportionment may at any time determine. It shall also appoint from time to time such other employees including teachers and attendance officers as the school system may require; the amount of their compensation shall be fixed by the board of estimate and apportionment. It has the care, custody and safe keeping of

all school property, real and personal; and shall make rules and regulations for the government of the schools and its employees, except as hereinafter provided; prescribe courses of study and text-books; provide the several schools with the necessary school apparatus, maps and music books, the expense thereof to be defrayed out of the moneys appropriated by or apportioned to the city for school purposes. No member of the commission shall be eligible to appointment or employment by the commission.

§ 252. **General powers of commission.** The commission has all the powers and is charged with all the duties of commissioners of common schools, and of trustees of the several school districts in this state, under the general statutes relating to common schools, so far as such powers and duties can be made applicable to the schools herein provided for, and are not inconsistent with the provisions of this act.

§ 253. **Superintendent of schools; removal of.** The superintendent of schools hereafter appointed by it shall hold office during the pleasure of the commission. Any person may prefer charges of incompetency, maladministration or misconduct in office against the superintendent, and thereupon the commission shall proceed to hear the charges, and in case the same shall be sustained by the affirmative votes of a majority thereof the superintendent shall be dismissed from his office.

§ 254. **Duties of superintendent of schools.** The superintendent has power and it is his duty to see that all rules and regulations of the commission are complied with by the principals and teachers; to determine the different grades of study which shall be pursued in the various departments of the several schools; to transfer teachers from one school to another, or from one grade to another, to suspend any teacher temporarily for cause, provided, however, that the reason for such suspension shall be immediately transmitted to the commission in writing; to transfer pupils from one school to another; to prescribe rules and regulations for the admission, examination and promotion of pupils; and he shall have the charge of the school libraries.

§ 255. **Appointment of teachers.** All assistant teachers shall be appointed for a probationary period of one year, at the expiration of which term, unless satisfactory evidence of incompetency is submitted by the superintendent, the probationer may be elected by the commission. Thereafter such teacher shall hold the position during good behavior and shall be removable only for cause, after a hearing by the affirmative votes of a majority of the com-

mission. All probationary appointments shall be made from the head of a merit list, upon which the names of all eligible candidates for appointment as assistant teachers shall appear in the order of their rank in scholarship and qualifications for teaching; and it shall be the duty of the commission to prescribe by rules not inconsistent with the laws of the state the means of determining such rank in scholarship and qualifications. All principals shall hold their positions during good behavior and shall be removable only for cause, after a hearing, by the affirmative votes of at least a majority of the commission. This act shall in no way affect the right to teach in the schools of the city of any teacher under contract as a regular teacher at the time of the passage of this act, or deprive her from participating in any privilege or right conferred on regular teachers in the schools of the city.

§ 256. **Care of school buildings.** Whenever in the opinion of the commission any repairs are needed to the public school buildings in the city, it shall call upon the common council or the commissioner of public works to make such repairs in accordance with the provisions of this act. It shall recommend to the common council, when in its opinion the public interests require, the sale of any schoolhouse, the purchase or lease of any land or building for a schoolhouse, and when authorized thereto by an ordinance of the common council, the board of contract and supply may make such sale, purchase or lease in the manner in this act provided; and it may recommend to the common council the erection of any school building; and when authorized thereto by an ordinance of the common council, the board of contract and supply may erect such buildings in the manner and upon the conditions prescribed in this act.

§ 257. **School moneys.** All public money apportioned or appropriated to or for the city, or to or for any of the school districts therein, or for the school libraries, shall be paid by the proper officers to the treasurer, and in the accounts kept by him shall be credited to the education commission and paid by him upon bills properly allowed and audited in the same manner as obtains in the case of other bills against the city.

### TITLE XIII.

#### PUBLIC LIBRARY COMMISSION.

Section 262. Public library commission.

263. Succession to funds and property by commission.

264. Powers and duties of commission.

§ 262. **Public library commission.** Within ten days after this act takes effect or as soon thereafter as convenient, the mayor, with the consent of the common council, shall appoint from each ward one representative of recognized fitness for the office of public library commissioner. The several commissioners together with the three commissioners of education, shall constitute and be the public library commission. The president of the education commission shall ex officio be the president of the public library commission. The first commissioners appointed shall determine by lot whose term of office shall expire each year; their successors shall be appointed for a term of five years.

§ 263. **Succession to funds and property by commission.** The public library commission when appointed shall take over all the property, books and equipment now under control or used by the two existing public libraries, and devote same to the objects of the commission.

§ 264. **Powers and duties of commission.** The public library commission may appoint a secretary, a librarian or librarians and clerks, and such other subordinates as the board of estimate and apportionment may prescribe. The public library commission shall have power to make and enforce rules governing the use of the libraries and books and such other powers and duties as are prescribed by the provisions of sections ten hundred twenty-seven to ten hundred forty-four, both inclusive, of the general education law, applicable thereto, and of this act.

The common council is authorized to make suitable appropriation for library purposes in accordance with the provisions of this act.

## TITLE XIV.

### CITY COURT.

Section 270. City court; pending actions and proceedings continued.

271. Official oaths.

272. Acting city judge; appointment; duties.

273. Expenses of city court.

274. City court to be open, when.

275. Civil jurisdiction of city court.

276. Summary proceedings.

277. Jurisdiction over persons of defendants.

278. Judgments.

279. Prohibition relating to interposals of counterclaims.

- 280. When counterclaim exceeds three hundred dollars.
- 281. Counterclaim against personal representative.
- 282. When total of accounts exceeds six hundred dollars.
- 283. Form of summons.
- 284. Forms, procedure and fees same as in justices' courts.
- 285. Proof of attorney's authority.
- 286. Adjournments.
- 287. Service of summons.
- 288. Pleadings.
- 289. Rules of practice.
- 290. Appeals.
- 291. Opening of defaults.
- 292. Fees for serving papers in actions within justice's jurisdiction.
- 293. Contempt proceedings.
- 294. Charge to jury.
- 295. Costs and fees.
- 296. Additional costs, when fifty dollars demanded.
- 297. Additional costs, when judgment is rendered for two hundred \* dollars or over.
- 298. Prepayment of fees.
- 299. Continuation of proceedings.
- 300. Criminal jurisdiction of city judge.
- 301. Practice and procedure.
- 302. Power to take bail.
- 303. Trial by jury.
- 304. Drawing of jurors.
- 305. Dockets and books open to inspection.
- 306. Fees for services for county or towns.
- 307. Disposition of unclaimed property.
- 308. Stolen property.
- 309. Limitations on foregoing sections.
- 310. City marshals, general powers and duties.
- 311. Criminal expenses chargeable to county of Rensselaer.

§ 270. City court; pending actions and proceedings continued. There shall be a city court having civil and criminal jurisdiction as in this act provided. The city judge shall be the judge of the city court and shall hold office during the remainder of the term

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\* So in original.

for which he was elected. The city judge to be elected under the provisions of this act shall be the judge of said court.

§ 271. **Official oaths.** The city judge and acting city judge to be elected or appointed as provided in this act shall, before entering upon their respective duties, take the oath of office prescribed by law and file the same in the office of the clerk of the city of Rensselaer.

§ 272. **Acting city judge; appointment; duties.** In case of the sickness, absence from the city, disqualification or inability of the city judge to act, or in case said office becomes vacant, it shall be the duty of the mayor to appoint an acting city judge who shall act as city judge until the city judge shall be able or qualified to act or until the vacancy in the office shall be filled. While so acting the acting city judge shall sign all papers and process as acting city judge of Rensselaer and have all his powers and perform all the duties incumbent upon the city judge. The acting city judge shall be entitled to receive for his services the sum of four dollars for each day actually spent by him in the performance of his duties.

§ 273. **Expenses of city court.** The common council shall provide suitable offices for holding said city court and for the city judge, and shall furnish heat, light and suitable furniture for the same, provide necessary blank books, blanks, stationery and provide for the payment of the salaries of the city judge of the city court and for all other necessary expenses of said court, the expenses of which shall be a city charge.

§ 274. **City court to be open; when.** Said city court shall be open for such civil business as may lawfully come before it each day, excepting Sundays and legal holidays, during all seasonable hours from nine to twelve o'clock in the forenoon and from one-thirty to four o'clock in the afternoon. It shall be the duty of the city judge to attend at his office at nine o'clock in the forenoon until four o'clock in the afternoon and at all reasonable times thereafter during each week day to hear all criminal matters or matters of a criminal nature within its jurisdiction and he may at his option so attend and hear at any time.

§ 275. **Civil jurisdiction of city court.** Said court shall have jurisdiction of the following actions and proceedings:

a. **Upon contracts.** An action to recover damages upon or for breach of a contract, express or implied, other than a promise to marry, where the sum claimed does not exceed three hundred dollars.

b. For personal injury or injury to property. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed three hundred dollars.

c. To recover fine or penalty. An action or proceeding to recover a fine or penalty not exceeding three hundred dollars, or to recover one or more fines or penalties for a violation of an ordinance of the city of Rensselaer, authorized by it, or of the provisions of the other titles of this act where the amount claimed does not exceed three hundred dollars.

d. Upon bonds. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed three hundred dollars; the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid in instalments, an action may be brought for each instalment as it becomes due.

e. Upon surety bonds. An action upon a surety bond taken in said court or by any justice of the peace.

f. Upon judgments. An action upon a judgment rendered in said court or in a court of a justice of the peace, or in a justice's court of a city, being a court not of record.

g. In replevin. An action to recover one or more chattels with or without damages, for the taking, withholding or detention thereof, where the value of the chattel or of all the chattels as stated in the affidavit made on the part of the plaintiff does not exceed three hundred dollars.

h. Upon confession. To render and enter judgment upon the confession of a defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed six hundred dollars.

i. For fraud. In an action for damages, for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed three hundred dollars.

j. When commenced by attachment. In an action commenced by attachment pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed three hundred dollars.

k. Summary proceedings. In summary proceedings, under title two of chapter seventeen of the code of civil procedure to recover possession of land and to remove tenants and others therefrom.

l. For enforcement of mechanics' liens. In action or proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed



the sum of three hundred dollars, the same proceedings to be had as are provided by law to be had in a justice's court.

m. Other actions and proceedings within jurisdiction of justices of the peace. In any other action or civil proceeding of such character that a justice of the peace of a town would have jurisdiction thereof wherein the sum sought to be recovered does not exceed three hundred dollars.

But such court cannot take cognizance of a civil action in either of the following cases:

a. Where the title to real property comes in question as prescribed in title three of chapter nineteen of the code of civil procedure. But when such question arises the pleadings and practice shall be the same as are now provided by law for justices' courts in regard thereto.

b. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

c. Where, in a matter of account, the sum total of the accounts of both parties, proved to the satisfaction of the court, exceeds six hundred dollars.

d. Where the action is brought against an executor or administrator as such, except where the amount of the claim is less than the sum of fifty dollars and the claim has been duly presented to the executor or administrator and rejected by him.

§ 276. **Summary proceedings.** Summary proceedings may be commenced by petition addressed either to said judge or to said court, and in said proceedings and in all actions the jurisdiction of the said judge shall be exercised by and in the name of the said court only, and all processes from said court shall be made returnable thereto by its proper title. In the solemnization of marriages, and in all other matters not otherwise by this act provided for, said city judge shall have the same power as justices of the peace in towns.

§ 277. **Jurisdiction over persons of defendants.** Said court shall have the same jurisdiction over the persons of defendants as is now possessed by justices' courts of towns, pursuant to the provisions of section twenty-eight hundred sixty-nine of the code of civil procedure, and for the purpose of conferring jurisdiction of the person, the said city of Rensselaer shall be deemed a town and the said court a justice's court thereof; all process and papers issued out of said city court may be executed and served anywhere within the county of Rensselaer.

§ 278. **Judgments.** A judgment of said court shall be in all respects the same as a judgment entered by a justice of the peace of towns, except as herein provided, and all provisions of the code of civil procedure in relation to filing transcripts of such judgment and docketing the same in the office of the clerk of Rensselaer county, or of any other county, and the effect of such judgment, when so docketed, shall in all respects be the same as if said judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court. In any case in which by law a justice of the peace is required to render judgment and enter the same in his docket within four days, the city court of Rensselaer, or the judge thereof, is required to render judgment and it must be entered in the docket of said court within ten days after the case shall have been submitted for final decision, anything to the contrary herein notwithstanding, unless a longer period be agreed upon by all parties to the action or proceeding by a stipulation in writing. But a judgment shall be rendered forthwith in either of the following cases: where the plaintiff is nonsuited; where the plaintiff discontinues or withdraws his action; where judgment is confessed; where a verdict is rendered by a jury in favor of either party; where the defendant is in custody at the time of the final submission of the cause; where a judgment is rendered upon an offer made by the defendant and duly accepted.

§ 279. **Prohibition relating to interposals of counterclaims.** The prohibition contained in section twenty-nine hundred forty-seven of the code of civil procedure relating to the failure of the defendant in an action in justice's court to interpose a counterclaim does not extend to an action in said city court to a case where the amount of the counterclaim is three hundred dollars more than the plaintiff recovers.

§ 280. **When counterclaim exceeds three hundred dollars.** In the case provided for in section twenty-nine hundred forty-nine of the code of civil procedure, if the amount of the counterclaim established exceeds the plaintiff's demand, the defendant must have judgment for the excess, or so much thereof as is due from the plaintiff, unless it is more than the sum of three hundred dollars, and if it be more than three hundred dollars, the city court must pursue the same course in reference to the same, as in the said section provided for a case in which it is more than two hundred dollars.

§ 281. **Counterclaim against personal representative.** Sections five hundred five and five hundred six of the code of civil procedure shall apply to a counterclaim in an action against a person sued in a representative capacity, or in favor of an executor or administrator, except that the defendant cannot take judgment against the plaintiff upon a counterclaim for a sum exceeding three hundred dollars and costs, and section twenty-nine hundred forty-six of the code of civil procedure shall not apply to actions in said city court.

§ 282. **When the total accounts exceeds six hundred dollars.** Where upon the trial of an action, the sum total of the accounts of both parties proved to the satisfaction of the city judge exceeds six hundred dollars, judgment of discontinuance must be rendered against the plaintiff with costs, and section twenty-nine hundred fifty of the code of civil procedure shall not be applicable to the said city court.

§ 283. **Form of summons:**  
County of Rensselaer, City of Rensselaer.  
In the city court of Rensselaer, ss.:

To ....., defendant:  
You are hereby summoned to appear in and before the city court of Rensselaer at city court room in the city of Rensselaer, N. Y. .... day of .....(month), 19.... at.... o'clock in the ..... noon, to answer the complaint of ..... in a civil action.  
Witness, Hon. ...., city judge of Rensselaer, this .... day of ....., 19...  
.....  
City Judge.

§ 284. **Forms, procedure and fees same as in justices' courts.** The summons and the time within which the same shall be returnable, and all other process, the service of process, appearances, practice, pleadings, exhibiting accounts or demand (except that a copy of account or bill of particulars may be ordered filed before the defendant shall be required to answer), amendments, adjournments, trial by court or jury, obtaining jury, offers to compromise, offers of judgment and the effect thereof, judgments by confession or otherwise, and the rendering and docketing of the same, appeals, fees, costs, disbursements and the imprisonment and discharge of judgment debtors shall in all matters, except as in this act other-

wise provided, be governed by the provisions of the code of civil procedure for justices' courts, except that section twenty-eight hundred ninety-three of the code of civil procedure shall not apply to or govern proceedings in the city court.

§ 285. **Proof of attorney's authority.** The attorney's authority may be conferred orally or in writing, but the city judge shall not suffer a person who is not an attorney admitted to practice in the supreme court of this state to appear as an attorney, unless his authority is admitted by the adverse party, or proved by the affidavit or oral testimony of himself or another, and the city judge may, in his discretion, at any time before final judgment, require from an attorney admitted to practice in the supreme court, proof of his authority to so appear. For the purpose of the allowance of additional costs, as provided hereinafter, a party shall be deemed to have appeared by attorney upon the service of a copy of a pleading subscribed by his attorney upon the adverse party, or upon the filing of a pleading, notice of special appearance or other paper subscribed by his attorney, required by the provisions of this act or the code of civil procedure.

§ 286. **Adjournments.** The court must, upon the application of the plaintiff, grant a second or subsequent adjournment of the trial of the action, upon proof, by his own oath or otherwise, to the satisfaction of the court, that he cannot safely proceed, for want of some material testimony or witness, and that he has used due diligence to obtain the testimony or witness. If the defendant has been arrested, a second or subsequent adjournment shall not be made without the consent of the defendant. But the court may, as a condition of granting such adjournment, require that the plaintiff pay to the defendant the legal fees of defendant's witnesses duly subpoenaed for that day, and not exceeding two dollars, in addition thereto, or such part of such additional sum as may be just. Subject to the approval of the city judge any action or proceeding may be adjourned after issue is joined by a stipulation in writing signed by the parties or their attorneys and filed with the court.

§ 287. **Service of summons.** The summons or summons and complaint may be served by any person qualified to serve such papers in an action in a court of record, and when service is made by any person other than a marshal, proof of service shall be made as in a court of record.

§ 288. **Pleadings.** The pleadings in said court may be oral

or in writing and when in writing shall be subscribed by the parties or their attorneys, which shall be filed forthwith, or within such time as the city judge shall designate. Whenever a verified complaint is served or filed, each subsequent pleading, except a demurrer, shall also be verified.

§ 289. **Rules of practice.** The city judge may from time to time establish such rules of practice for said city court as he may deem necessary, not inconsistent with this act or with the code of civil procedure, which rules shall govern the practice in said court. The rules so established shall, before they become operative, be approved by the county judge and a copy thereof filed in the county clerk's office of the county of Rensselaer and be published at least once in the official newspaper.

§ 290. **Appeals.** Appeals may be taken to the county court from judgments rendered in said city court the same as from judgments rendered by justices of the peace. Appeals may also be taken to the county court from an order of the city judge on an application to open a default made as in the next succeeding section of this act provided, and the time within which such appeals may be taken, and the practice thereon shall be the same as apply to appeals from a judgment of a justice of the peace, the affidavits read on such application constituting for the purpose of such appeal a part of the return of the city judge. In addition to the costs required to be paid to perfect an appeal under section three thousand forty-seven of the code of civil procedure the appellant shall, when the return exceeds fifty folios in length, pay to the city judge for the use of the city, the sum of ten cents per folio for all matter embraced in said return in excess of said fifty folios, but the costs required to be paid shall not include the additional costs awarded to a party under sections two hundred ninety-five, two hundred ninety-six, and two hundred ninety-seven of this act, but upon judgment affirming the judgment appealed from such costs may be included therein, except that the per centum allowed under section two hundred twenty-nine of this act shall be computed upon the amount of the damages awarded or the value of the chattel recovered in the judgment of the appellate court.

§ 291. **Opening of defaults.** In actions in said court the city judge shall have power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where either party shall fail

to appear on the return day of the process, or on any adjourned day, and the party in default satisfactorily excuses his default, but no greater terms shall be imposed than the payment of the costs included in the judgment, and the sum of three dollars for opposing the motion. The application therefor shall be founded upon affidavit, and shall be made within twenty days from the entry of such judgment. Upon presentation of such application, the city judge shall issue an order returnable in not less than five days nor more than eight days, requiring the party in whose favor judgment was rendered to show cause, if any, why said judgment should not be set aside. A copy of said order and of the papers upon which the same is granted shall be served upon the party in whose favor judgment was rendered, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof, the city judge may stay proceedings upon such judgment or any execution which shall have been issued. When a judgment shall be set aside, the action shall proceed as though no judgment had been rendered. The judgment, or an execution issued thereon by the city judge or out of the city court, and levy made thereunder, may, in his discretion, be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Parties moving in the county court to open default or obtain a new trial in said city court in cases where a motion might have been made in said city court, as in this section provided, shall show that no such application was made in the said city court. Where a transcript of judgment has been filed in the Rensselaer county clerk's office, the city judge shall have power to direct that the judgment be canceled on the books of the county clerk, and upon the service of such order upon an officer having the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly.

§ 292. **Fees for serving papers in actions within justice's jurisdiction.** The city marshal and other persons who lawfully serve papers or execute mandates in actions or proceedings in said court shall receive and be entitled to the same fees as are allowed to constables in towns, except that for service of summons or summons and complaint he shall receive a fee of fifty cents.

§ 293. **Contempt proceedings.** The city judge, while court is in session, shall have the same powers to preserve order and to punish for contempts committed in his presence as are possessed



by judges of courts of record; providing, however, that an appeal may be taken from an order adjudging a person in contempt to the county court in the same manner as an appeal from a judgment. And pending the determination of such appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by the judge of said court or of the county court in such an amount, and by an undertaking in such form and terms and with such sureties as shall be approved by said judge.

§ 294. **Charge to jury.** It shall be the duty of the city judge to charge the jury on questions of law whenever required by any party to an action or his attorneys.

§ 295. **Costs and fees.** In all civil actions and proceedings brought in said court the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace. In addition thereto, there shall be allowed to the prevailing party, as an indemnity, in case he has appeared by an attorney admitted to practice in courts of record of this state, and not otherwise, the following sums as costs:

a. For all proceedings before trial, including judgment for the plaintiff upon default and upon an acceptance of an offer of judgment, to the plaintiff, three dollars.

b. Judgment for plaintiff otherwise than upon a default or upon an acceptance of an offer of judgment to the plaintiff, three dollars, and an additional sum equal to ten per centum of the recovery, except as provided in subdivision "e" of this section.

c. If the plaintiff recovers judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

d. If judgment of nonsuit is rendered for the defendant, to the defendant, three dollars.

e. If a judgment is rendered for the defendant upon the merits after trial, or if an offer of judgment be filed and an acceptance thereof be not filed and judgment be rendered in favor of the plaintiff for an amount not more favorable than that named, not including costs, in the offer of judgment, to the defendant, five dollars, and the court, in its discretion, may allow five dollars additional.

f. A defendant who recovers in said court a judgment upon a counterclaim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled, in addition to



costs heretofore allowed said defendant, to recover a sum equal to ten per centum upon said recovery, or upon the value of said chattels.

g. No costs or fees shall be allowed or recovered in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

h. Where the testimony of a witness is taken by virtue of a commission, or an order to take depositions, and the testimony is used on the trial, the successful party who files interrogatories or cross-interrogatories, or who was present when the depositions were taken, is entitled to three dollars costs; and in addition to the fees provided for in section thirty-three hundred twenty-five of the code of civil procedure shall tax and recover all sums paid to the commissioner taking the depositions, not exceeding five dollars.

§ 296. **Additional costs, when fifty dollars demanded.** In an action in which the complaint demands the recovery of property of the value of fifty dollars or more, or in an action in which the complaint or answer demands judgment for fifty dollars or more, exclusive of costs and disbursements, when an issue of law is raised by demurrer, the party in whose favor such issue may be decided shall be entitled to a sum, in the discretion of the city judge, not exceeding ten dollars, which shall, in case final judgment is awarded against him, be deducted therefrom.

§ 297. **Additional costs, when judgment is rendered for two hundred fifty dollars or over.** In an action in which a trial is had and judgment rendered for two hundred fifty dollars or more the city judge may, in his discretion, grant to the successful party an additional allowance of costs, not exceeding ten dollars. All costs and disbursements allowed to be taxed in any action or proceeding before justices of the peace in towns up to but not exceeding fifteen dollars shall be included in the judgment as disbursements in addition to the costs hereinbefore provided, but in actions within the jurisdiction of justices of the peace of towns such disbursements shall not exceed the limits prescribed by section thirty hundred seventy-six of the code of civil procedure for justices.

§ 298. **Prepayment of fees.** In each action and proceeding in the city court the city judge shall demand and receive for the use of the city for each service rendered by him the same fees

as justices of the peace of towns are or may be entitled to receive for a like service, and in addition thereto the per folio charge for a return in excess of fifty folios as provided in section two hundred ninety of this act. And no such service shall be rendered by him until such fees shall have been paid therefor. In the case provided for in section thirty hundred eighty-one of the code of civil procedure recovery shall be had from the city of Rensselaer instead of the city judge. All such fees, together with all fines and penalties collected by the said judge of the city court during any month, shall be paid on or before the fifth day of the next succeeding month to the city treasurer, all of which fees and penalties shall be treated as unexpended funds of the appropriation for the city court, and all fines shall be paid to the city treasurer and deposited by him in the sinking fund, and the city judge of the city court shall thereupon forthwith file with the city clerk a complete and detailed statement, verified by his oath to be true, of all fees, fines and penalties payable to the city treasurer by virtue of any of the provisions of this act, which were received by him during the last preceding month, with the written receipt of the city treasurer for the payment of said money to him attached to said statement.

§ 299. **Continuation of proceedings.** All actions and proceedings pending before the city court at the time this act takes effect shall be continued before the city court of said city, in the same manner and with the same effect as though originally begun in said city court under the provisions of this act. All warrants and other process issued by the said city judge and not executed at the time this act takes effect shall be returnable to said city judge who shall have the same jurisdiction of the actions and proceedings in which they were issued, and of the persons against whom the same are directed, as if such warrants and process had been issued by said city judge pursuant to provisions of this act.

§ 300. **Criminal jurisdiction of city judge.** The city judge of said city shall have jurisdiction to issue criminal process, hear all complaints and conduct all examinations in criminal cases arising within the limits of said city, subject to the power of removal provided by sections fifty-seven and fifty-eight of the code of criminal procedure, and shall have exclusive jurisdiction, in the first instance, to try and determine all offenses triable in courts of special sessions, and shall have the powers and jurisdiction conferred upon such courts by section fifty-six of the code of

criminal procedure, and to impose any sentence, punishable, by fine or imprisonment, or both, as is provided by such cases by the provisions of the penal code, or by special statutes of the state. He shall also have power to try the following offenses, committed within his jurisdiction, namely: Cases of malicious mischief or injury, of offenses against public decency, selling unwholesome provisions, breach of the peace, and all other offenses of the grade of misdemeanor, under the laws of the state. He shall have exclusive jurisdiction to hear, try and determine all criminal actions or proceedings arising under or by reason of the violation of the charter or ordinances of the city, and to enforce the payment of any fines imposed by such charter or ordinances. Such city judge shall also possess the powers and perform the duties of justices of the peace in towns in cases of bastardy; and such proceedings shall be governed by the provisions of the code of criminal procedure, except that they may be held and conducted before such city judge with the same force as if two magistrates were present. He shall also possess all the powers of a police justice to conduct proceedings with respect to vagrants, disorderly persons and such other matters as are conferred by the code of criminal procedure.

§ 301. **Practice and procedure.** The provisions of the code of criminal procedure relating to procedure in police courts shall apply to the proceedings in the city court of Rensselaer, or before the city judge. Any judgment, order or conviction made by the city judge may be reviewed by appeal in like cases, in like manner and with like effect, as if the proceedings were before a justice of the peace. He shall in all things relating to the manner of procedure in his court, or in arraignment or trial of parties accused, be governed by the same law as justices of the peace or courts of special sessions in towns, as such laws now exist or may hereafter be enacted, and his judgments shall have like effect, and all his proceedings may be reviewed in the same manner and in the same courts as now or may hereafter be provided by law for such review, in cases of judgments and proceedings of justices of the peace, or of courts of special sessions in towns of the state.

§ 302. **Power to take bail.** The city judge shall have power to let to bail all persons charged with crime before him, in all cases of misdemeanor and in all cases of felony, when imprisonment in the state prison, on conviction, cannot exceed five years; and shall, also, have the power to take bail in like manner as is

conferred upon sergeants and captains of police by section five hundred fifty-four of the code of criminal procedure.

§ 303. **Trial by jury.** In the city court, or before the city judge, at the time of interposing any plea which forms an issue of fact, where the right to trial by jury is secured to the defendant by the general laws of the state, the defendant may demand a trial by jury, and unless so demanded then a trial by jury is waived.

§ 304. **Drawing of jurors.** When a trial by jury is duly demanded, as above provided, the city judge must forthwith openly draw such number of ballots as he deems necessary from a box, or other receptacle, containing the names of the persons who are returned as jurors of the city for the city court, upon the last list thereof filed in such court by the city clerk, as jurors to attend for the purpose of trying the issues joined as above stated, at a time to which the cause in which issue has been joined shall then be adjourned by him, not more than eight days from the joining of issue, unless the parties consent to a longer adjournment, which consent shall be entered in the minutes of the court. Before drawing such ballots they shall be thoroughly mingled in the box or receptacle containing them, and thereafter, except as herein otherwise provided, and so far as consistent with this act, the provisions of sections twenty-nine hundred ninety-two to twenty-nine hundred ninety-nine, inclusive, and section thirty hundred six to section thirty hundred nine, inclusive, of the code of civil procedure, shall govern the further proceedings upon the issue joined as provided herein. The city judge has the powers and duties conferred and imposed upon justices of the peace under those sections. The venire must be issued in criminal cases to a police officer, who shall have all the powers and duties of constables under those sections.

§ 305. **Dockets and books open to inspection.** All dockets and other books kept by said city judge shall, at all times, be subject to inspection and examination by the mayor, the corporation counsel or any member of the common council, and it shall be the duty of the said city judge to produce such docket or books whenever and wherever the common council shall direct; and, if he shall neglect or refuse to produce such docket or books as required, the county judge of Rensselaer county may, on application to him for that purpose, make an order requiring the same to be produced, and enforce obedience thereto and punish disobe-

dience thereof, in the same manner in which obedience to other orders made by him is enforced or disobedience thereof punished.

§ 306. **Fees for services for county or towns.** All fees and charges for services performed by the city judge and which are chargeable to the county of Rensselaer or to any town therein shall be audited and allowed by the board of supervisors to and for the benefit of the city of Rensselaer. The city judge shall render verified bills for such fees and charges.

§ 307. **Disposition of unclaimed property.** It shall be the duty of the city judge on the first Monday in May, in every year, to deliver an account, verified by his oath, to the mayor of said city, of all moneys, goods, wares and merchandise then remaining unclaimed in the police office, and immediately thereafter to give notice once a week for two weeks in the official newspaper, to all persons interested or claiming such property that, unless claimed by the owner with satisfactory proof of such ownership before a specified day, the same shall be sold at auction to the highest bidder. On the day and place specified in such notice, all property remaining unclaimed, except money, shall be sold at auction by said judge, or under his direction. If any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall, at any time, remain unclaimed in the police office, it shall be lawful for said city judge to sell the same at public auction, at such time and after such notice as to him and the said mayor shall seem proper. The said city judge shall immediately after the sale of any property in accordance herewith pay to the city treasurer of said city all moneys remaining unclaimed in his hands as such city judge, and all moneys received by him upon such sale, after deducting the expense thereof, and shall be deemed unexpended funds of the appropriation for the city court.

§ 308. **Stolen property.** It shall be the duty of the city judge, aforesaid, whenever he shall obtain possession of any stolen property, on his receiving satisfactory proof of ownership, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred for the preservation and sustenance of such property.

§ 309. **Limitations on foregoing sections.** No property shall be sold or delivered in pursuance of the foregoing sections if the district attorney of Rensselaer county shall direct that it shall remain unsold and undelivered for the purpose of being used as evidence in the administration of justice.

§ 310. **City marshals, general powers and duties.** The city marshals, except as otherwise provided by law, shall have the same powers, duties and jurisdiction, receive the same compensation and be subject to the same liabilities as if the city of Rensselaer were a town and they were constables thereof, except that no marshal of the city shall be compelled to execute any criminal process or do any other criminal business; nor shall any marshal of the city be entitled to receive any compensation for his services in any criminal action or any special proceeding of a criminal nature for or on account of any offense committed, or charged to have been committed, within said city. Every marshal before he enters upon the duties of his office shall execute an undertaking with at least two sureties to be approved by the common council, of the same tenor and effect as is required of constables in towns of this state.

§ 311. **Criminal expenses chargeable to county of Rensselaer.** The expenses of apprehending, examining, trying and committing offenders against any law of the state in said city, and of their confinement, which are properly chargeable against the county of Rensselaer, shall be audited and allowed by the board of supervisors of said county and paid in the same manner as if such expenses had been incurred in and by any of the towns of said county.

## TITLE XV.

### WATER COMMISSION.

Section 312. **Appointment of water commissioners.**

313. **Organization of commission; secretary of commission.**

314. **General duties of commissioners.**

315. **Acquisition or construction of water works system.**

316. **Condemnation proceedings.**

317. **Work to be done by contract.**

318. **Control of works.**

319. **Payment of water rents.**

320. **Issue and sale of bonds.**

321. **Expenses of commission.**

§ 312. **Appointment of water commissioners.** Within ten days after the passage of an ordinance by the common council, or upon the filing with the city clerk of a petition signed and acknowledged as a deed by at least three hundred taxpayers of the city whose



names appear on the tax rolls for the assessment of the last preceding city tax, requesting the appointment of water commissioners, this title shall become operative and in effect, and the mayor shall appoint, by certificate in writing, signed by him and filed with the city clerk of said city, two water commissioners who shall, with the mayor, constitute the water commission of the city of Rensselaer. The mayor, for the time being, of said city, shall be, *ex officio*, the chairman of said commission, and shall be entitled to vote on all questions. One of such commissioners shall hold office until the first day of February following the expiration of term of mayor making such appointment, and the remaining commissioner shall hold office until two years thereafter; and the term of office of each of said commissioners shall be designated by the mayor in such certificate of appointment. The successors of such commissioners shall be appointed by the mayor of the city of Rensselaer in the same manner as hereinbefore provided, at least twenty days prior to the expiration of the term of office of the retiring commissioners and shall hold office for the term of four years, and the members of said commission shall serve without compensation except that after the adoption of a plan for the supply of water, they shall receive such salary as shall be determined by the board of estimate and apportionment. No person shall be eligible for the office of water commissioner under this act, unless he be duly qualified to vote at elections held in said city and the holder of real estate in his own name, assessed to him on the last assessment-roll.

§ 313. **Organization of commission; secretary of commission.** At the first meeting of said water commission, each commissioner having first taken and filed with the city clerk the constitutional oath of office, they shall select, by ballot, some competent and suitable person, other than one of said water commissioners, to be the secretary of said commission, whose duty it shall be to record its proceedings in a book for that purpose, and do all such clerical work as by this act is devolved on the commission. Said secretary shall before entering upon the discharge of his duties take and file with the city clerk the constitutional oath of office. The secretary of said commission shall receive a salary to be fixed by the board of estimate and apportionment, not exceeding two hundred dollars per year, and he shall hold office at the pleasure of the board.

§ 314. **General duties of commissioners.** It shall be the duty of the said water commission to examine and consider all matters



relating to supplying the city with a proper supply of pure and wholesome water. They shall have power to employ engineers, surveyors and such other persons as shall be necessary for that purpose, and likewise examine and ascertain whether it would be practicable for and advantageous to the city to acquire title to the whole or any portion of the plant and system of any existing corporation. They may adopt such plans as in their opinion may be most feasible for procuring such a supply of water for protection against fire and manufacturing and domestic purposes. Such plan shall embrace the necessary lands, rights, easements, buildings, reservoirs, water towers, machinery, pipes, hydrants, supplies and incidentals for such purpose. They shall cause a careful estimate to be made of the cost and expense of the same. The expense of the work and service hereinbefore directed, and also the salary of the secretary of said water commission shall be a charge against the city of Rensselaer, to be paid by the treasurer upon the warrant of the water commission, from funds to be appropriated therefor as provided herein.

§ 315. **Acquisition or construction of water works system.** Upon the adoption of any plan as hereinbefore specified, and the completion of the estimate provided for, the said water commission shall, in writing, notify the common council of the city of Rensselaer of such fact, accompanying the same with a full statement of said plan and estimate. Said common council shall, from time to time and until a plan be approved by the taxpayers, from time to time not oftener than once in three months and not oftener than twice in one year and until a plan be approved by the taxpayers, and within ten days after receiving any plan adopted by the water commission, issue a call for a taxpayers' election, to be held as prescribed herein, at which the question of accepting or rejecting the plan adopted by said water commission shall be voted upon. Provision for said election shall be made in the manner provided for taxpayers' elections pursuant to the provisions of this act. A certificate in writing of the result of said election shall be signed by the inspectors of such election, and within forty-eight hours after such election, filed with the city clerk, whose duty it shall be to report the same to the common council at its first regular meeting held thereafter. If a majority of the ballots cast at any such taxpayers' election, shall be in favor of the acceptance of the plan adopted by the water commission, and if such plan shall be approved by the conservation commission, as provided

by the conservation law, then the said water commission shall proceed to acquire or to construct and build, or to acquire a portion and to construct and build a portion of, the necessary system of water works for the city of Rensselaer, according to the plan and estimate hitherto adopted by them. They shall have power to contract for, purchase and take by deed, or other instrument under seal, in the name of said city, all lands, streams, water, water rights, or other property, real or personal, or rights therein situate at any place within the county of Rensselaer and any county adjoining thereto, which may be required for the purpose, and also the right to lay, relay and maintain pipes through lands, and to take, detain or divert water or streams of water which may be required for the purpose, without taking the fee of lands through which the pipes are laid or over which such streams of water flow. The said water commission and their servants and agents are authorized to enter upon any lands, streams or water for the purpose of making surveys and to agree with the owner of any such property or right which may be deemed necessary for the purposes of this act, as to the amount of compensation to be paid such owner. The said water commission and all persons acting under their authority shall also have the right to use the ground or soil under any street, highway or road within the city of Rensselaer or any adjoining town, for the purpose of introducing water into and through any and all portions of said city of Rensselaer, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and the damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

§ 316. **Condemnation proceedings.** Whenever said water commission shall for any reason be unable to agree with the owner or owners of any water system, lands, streams, water, water rights, or other real property, or right, interest or easement therein or appurtenant thereto, which may be required in the acquiring, constructing or maintenance of said system of water works, as to the value thereof, the city shall proceed to acquire same under provisions of the condemnation law. The expenses of the commission and the amount paid by the city in holding the taxpayers' election shall be included in the cost of the acquiring or construction of the water system and shall be repaid to the city from the proceeds

of sale of bonds issued for the payment of the cost of the water system.

§ 317. **Work to be done by contract.** Said water works, or any portion thereof as under the provisions of the plan adopted and accepted it will be necessary to construct, shall be constructed by contract as provided herein for the letting of contracts involving more than two hundred dollars.

§ 318. **Control of works.** Said water commission shall have full control of the said system of water works and everything pertaining thereto, and shall exercise the powers and fulfill the duties connected with and incident to the management of the same, including the making of regulations as to the use of the water, and enforcing the observance thereof by cutting off the use and supply of water. Said commissioners and their employees shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the water, quantity of water used and the manner of using it. They shall establish a scale of annual rents to be charged and paid annually for the supply of water, or for the benefits resulting therefrom, to be called water rents, which shall be apportioned to the different classes of buildings in reference to their dimensions and the use of water for the same, and to different lots, as may be practicable, and from time to time to modify and amend, increase or diminish such rates and to extend them to other descriptions of buildings, lots, establishments and uses. Said commission may sell to any corporation or individual outside of the city the right to make connections with the mains for the purpose of drawing and using water therefrom, and may fix the prices and conditions therefor; but the commission shall not sell or permit the use of water to or by corporations or persons outside the city if by such use the supply of water for the city or its inhabitants will be insufficient.

§ 319. **Payment of water rents.** Said water rents shall be paid promptly to the treasurer of the city, at the times designated by the water commission, and any and every consumer or user of water who shall be in default in the payment of the aforesaid rent for a period of thirty days shall be at once reported in writing by said treasurer to said water commission. The water rents so paid to the treasurer of the city shall be kept by him in a separate fund, to be known as the "water rent fund," and shall be applied to and used for the payment of the expenses incident to the running and maintenance of the said water works,

to be paid out by the said treasurer to the respective parties entitled thereto upon the warrants of the said water commission. If in any year the entire receipts for water rents shall be more than sufficient to meet such expenditures, then the surplus thereof shall be applied toward the payment of the interest falling due next following year on the bonds hereinafter authorized to be issued.

§ 320. **Issue and sale of bonds.** For the purpose of defraying the cost of providing the said city of Rensselaer with such system of water works and appurtenances and all rights, property and privileges incident thereto, and for expenses incidental thereto and connected therewith, the bonds of the city of Rensselaer to such an extent as shall be necessary, shall be issued by the common council of the city. Said bonds shall be numbered consecutively and shall be known as the "water bonds of the city of Rensselaer," and shall be sold as is provided by this act for the sale of other bonds. The common council shall by resolution authorize the issue and sale of said bonds at such time or times and in such amount only as the said water commission shall request. Upon the sale of said bonds the city treasurer shall forthwith transmit to the secretary of the water commission a statement showing the amount of water bonds sold and the amount realized thereon, and the expenses of said sale. He shall also furnish the common council a detailed statement showing the date and number of each bond sold, prices realized and the name of the purchaser.

§ 321. **Expenses of commission.** The expenses of the said water commission incurred by them under the provisions of this act shall be paid by the treasurer of said city upon the warrant of the water commission. All warrants of said commission must be authorized by a vote of a majority of their number and be signed by the president and secretary thereof. Said commission shall on the fifteenth day of May file with the city clerk a report for the year ending that day, containing a statement of the following facts:

1. The amount of money received from all sources during such year.
2. An itemized statement of the claims for expenses of the commission audited during such year.
3. The improvements and extensions made during such preceding year and the general conditions of the water works.
4. Such other facts as the commission deems important for the information of the public, together with such recommendations concerning such water works as may be deemed proper.

of sale of bonds issued for the payment of the cost of the water system.

§ 317. **Work to be done by contract.** Said water works, or any portion thereof as under the provisions of the plan adopted and accepted it will be necessary to construct, shall be constructed by contract as provided herein for the letting of contracts involving more than two hundred dollars.

§ 318. **Control of works.** Said water commission shall have full control of the said system of water works and everything pertaining thereto, and shall exercise the powers and fulfill the duties connected with and incident to the management of the same, including the making of regulations as to the use of the water, and enforcing the observance thereof by cutting off the use and supply of water. Said commissioners and their employees shall be authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the water, quantity of water used and the manner of using it. They shall establish a scale of annual rents to be charged and paid annually for the supply of water, or for the benefits resulting therefrom, to be called water rents, which shall be apportioned to the different classes of buildings in reference to their dimensions and the use of water for the same, and to different lots, as may be practicable, and from time to time to modify and amend, increase or diminish such rates and to extend them to other descriptions of buildings, lots, establishments and uses. Said commission may sell to any corporation or individual outside of the city the right to make connections with the mains for the purpose of drawing and using water therefrom, and may fix the prices and conditions therefor; but the commission shall not sell or permit the use of water to or by corporations or persons outside the city if by such use the supply of water for the city or its inhabitants will be insufficient.

§ 319. **Payment of water rents.** Said water rents shall be paid promptly to the treasurer of the city, at the times designated by the water commission, and any and every consumer or user of water who shall be in default in the payment of the aforesaid rent for a period of thirty days shall be at once reported in writing by said treasurer to said water commission. The water rents so paid to the treasurer of the city shall be kept by him in a separate fund, to be known as the "water rent fund," and shall be applied to and used for the payment of the expenses incident to the running and maintenance of the said water works,

to be paid out by the said treasurer to the respective parties entitled thereto upon the warrants of the said water commission. If in any year the entire receipts for water rents shall be more than sufficient to meet such expenditures, then the surplus thereof shall be applied toward the payment of the interest falling due next following year on the bonds hereinafter authorized to be issued.

§ 320. **Issue and sale of bonds.** For the purpose of defraying the cost of providing the said city of Rensselaer with such system of water works and appurtenances and all rights, property and privileges incident thereto, and for expenses incidental thereto and connected therewith, the bonds of the city of Rensselaer to such an extent as shall be necessary, shall be issued by the common council of the city. Said bonds shall be numbered consecutively and shall be known as the "water bonds of the city of Rensselaer," and shall be sold as is provided by this act for the sale of other bonds. The common council shall by resolution authorize the issue and sale of said bonds at such time or times and in such amount only as the said water commission shall request. Upon the sale of said bonds the city treasurer shall forthwith transmit to the secretary of the water commission a statement showing the amount of water bonds sold and the amount realized thereon, and the expenses of said sale. He shall also furnish the common council a detailed statement showing the date and number of each bond sold, prices realized and the name of the purchaser.

§ 321. **Expenses of commission.** The expenses of the said water commission incurred by them under the provisions of this act shall be paid by the treasurer of said city upon the warrant of the water commission. All warrants of said commission must be authorized by a vote of a majority of their number and be signed by the president and secretary thereof. Said commission shall on the fifteenth day of May file with the city clerk a report for the year ending that day, containing a statement of the following facts:

1. The amount of money received from all sources during such year.

2. An itemized statement of the claims for expenses of the commission audited during such year.

3. The improvements and extensions made during such preceding year and the general conditions of the water works.

4. Such other facts as the commission deems important for the information of the public, together with such recommendations concerning such water works as may be deemed proper.



All cost of construction and work done under contract made by the board of contract and supply, upon the filing of a certificate of approval thereof of the water commission, shall be audited by the board of contract and supply and paid in the same way as is provided in this act for the audit and payment of expenses of new paving.

## TITLE XVI.

### ASSESSMENT AND TAXATION COMMISSION.

Section 330. Powers and duties of assessor.

331. Description of premises.

332. Addition to tax rolls.

333. Levying city taxes and the warrant for the collection thereof.

334. Correction of errors in taxes and assessments and reassessment of the same.

335. Assessments not invalidated by irregularities.

336. Taxes, personal debts and liens.

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338. Fees and proceedings on collection of taxes after October first.

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356. Assessment for state and county taxes.

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\* So in original.



- 357. Warrant for the collection of county and state taxes.
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- 366. Notice of completion of roll.
- 367. Board of equalization and review.
- 368. Filing of assessment roll.
- 369. Apportionment of assessment.
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§ 330. Powers and duties of assessors. The assessors shall appoint, to hold office during their pleasure, such assistants or subordinates as the board of estimate and apportionment shall prescribe. The assessors shall possess all the powers conferred, be subject to all the obligations imposed and perform all the duties appertaining to the office of assessors in the towns of the state in reference to the assessment of property within the city, except as otherwise provided by law. They shall perform all the duties now provided by law in reference to the assessment of property for the purpose of levying taxes and assessments for local improvements, imposed according to law.

§ 331. Description of premises. In the assessment of any lands in the city for any purpose, it shall be sufficient to state the name of one of the owners of such lands if the owner or owners or any of them be residents of the city and known to the assessors; if the owner or owners be unknown to the assessors or if they be non-residents and the ownership is unknown to the assessors, then the assessment may be designated unknown, and there shall be stated

the number of the lot and the block, if subdivided into lots and blocks and so designated upon the city map last adopted by the common council if any, or the number of the lot or farm lot, if not so subdivided into blocks and lots and so designated, and also the street and number of any building thereon; but if the land be vacant or the building thereon be not numbered, then the name of the street on which it fronts and a brief description of the premises shall be given. In case no inhabited building be on the land and the residence of the owner be unknown, such owner may be designated as unknown. No assessment hereafter made in said city shall be held to be invalid because the same may be made out in terms against owner or owners unknown or the estate of a deceased person, naming such person, or the executor, administrator, heirs or devisees of a deceased person, naming such person, or any of them or against a company or a firm name, or against a person in whom is the record title, though not the actual title to the property, or for any cause arising through ignorance or mistake as to the names of the owner or owners of the property assessed, whether individually or a corporation, provided such property is sufficiently described on the assessment-rolls to reasonably identify and indicate to a person familiar with the same the particular property which it was intended to assess. Every assessment-roll shall be considered as referring to the last adopted map, if any, unless it be otherwise stated therein.

§ 332. **Additions to tax rolls.** On or before the second Tuesday in May in each year the assessors shall prepare a separate tax roll of the persons and property taxable in each ward and a duplicate thereof, both of which shall be deemed originals, and file same with the city clerk and forthwith give notice that they have been filed with the city clerk where they may be seen and examined by any person interested until the first Tuesday of June, and on that date and for four consecutive days thereafter, that the assessors will meet at the office of the city clerk from nine to twelve in the forenoon, and from two to four and from seven to nine o'clock in the afternoon to review assessments. Such notice shall be published by being posted in at least three conspicuous places in each ward and also by being printed at least once in the official newspaper of the city at least ten days before such first Tuesday of June. The assessors shall meet at the place and during the time specified in such notice, and review said assessments, in the same manner as assessors of towns, and during such time the city clerk's office

must be kept open and it shall be the duty of the city clerk to personally attend thereat.

Such assessors shall, at the expiration of four days after the first Tuesday in June, cease to correct or review said roll. The assessors may add to the tax rolls any real or personal property omitted from the tax rolls of the previous year, at such valuation as they deem proper. The assessors may add real or personal property thereto, at any time after the first Tuesday of June and before the verification of the rolls, upon giving at least three days' personal notice to the person whose property is to be assessed. The assessors may amend and correct the tax rolls as they deem proper. The amounts as reported by the city treasurer, of expenses of cleaning and repairing sidewalks, the local assessments or instalments thereof hereafter assessed and reported as unpaid for sixty days by the treasurer, and all the other items required by the provisions of this act to be collected as a part of the city tax and all items required by the provisions of this act to be collected and enforced in the same way as the expense of repairing or cleaning of sidewalks under this act which have then been reported to the assessors, must on or before the fifteenth day of July, in each year, be inserted by the assessors in the annual tax rolls against the respective lots or parcels of land on which the same are a charge or lien or in front of which the work was done. Thereupon they shall deliver the same, completed and subscribed, to the city clerk.

**§ 333. Levying city taxes and the warrant for the collection thereof.** Immediately after the filing of said duplicate corrected assessment-rolls with the city clerk, the common council shall cause the amount authorized to be raised for all city purposes to be rated and assessed upon the property of each person or corporation appearing on said assessment-rolls, and to be set opposite the names of each person, or corporation, respectively, in the column headed "city taxes" in proportion to the valuation therein stated. After the said assessment-rolls have been so completed and the taxes thereon extended, the same shall be adopted by a resolution of the common council and filed with the city clerk. The city clerk shall on or before the first day of August deliver one of said duplicate rolls for each ward to the treasurer with a warrant thereto annexed, under the corporate seal of the city and signed by the mayor and clerk thereof, commanding him to receive, levy and collect the sums in the roll specified as assessed against the persons or property therein mentioned or described, with such fees

and interest as in this act provided. The local assessments and instalments thereof, the expenses of cleaning and repairing sidewalks and all the other items required by the provisions of the preceding section to be inserted in the annual tax rolls against real property, shall become a part of the city tax upon the respective lots or parcels of land against which such items are charged, and the whole thereof becomes one tax and must be collected as such. All of the provisions of this act relating to the collection of the city tax including interest and fees thereon, and all other provisions relating to city taxes are intended to refer to city taxes and all sums added thereto and made a part thereof. After the city tax is collected, the amounts added thereto for local assessments or instalments thereof must be added to the fund for the payment of such local improvement; the amount added thereto for expense of cleaning or repairing sidewalks or other work done by any of the departments and collected in this way shall be deposited and treated as unexpended appropriation of such department.

§ 334. **Correction of errors in taxes and assessments and reassessment of the same.** When in the judgment of the common council there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating to any tax or local assessment heretofore or hereafter levied and assessed, or in the making, levying or assessment of the same, the common council has power, after causing notice to the person or corporation to be taxed or assessed to be served personally or by mail, directed to his last known place of residence, or its last known place of business, and an opportunity to be heard at a time specified in such notice, to correct any such tax or local assessment, or any part thereof, and to reassess the same in such amount as it deems proper, including therein interest at such rate on such amount as it deems proper, against the proper person or corporation or property it deems liable to such tax or benefited by such improvement, or both; and such correction or reassessment has the same effect as though the tax or assessment as thus corrected and reassessed had originally been properly levied and assessed at and for such corrected amount. The common council has the power when it deems it for the best interests of the city, to set aside the whole of a local assessment, and thereupon to cause a reassessment to be made, and may pass an ordinance designating the public improvement or work so made, the whole expense thereof, including any and all interest thereon to

the date the reassessment or first instalment thereof becomes due, including all that may be imposed as provided in this act in the case of local assessments, and the part or portion of the city deemed to be benefited thereby; and it may direct the city assessors to assess the lots and parcels of land in such territory described, for such expense, according to the benefit received, and proceed in all respects as in cases of local assessments; and such reassessment has the same valid and binding force as if it had originally been properly made. An ordinance setting aside the whole of a local assessment and directing a reassessment thereof must provide that any moneys paid on the assessment set aside, with interest at a rate determined by the common council not exceeding the rate received by the city on such money, must be credited on the amount of the new assessment against the property on which the assessment was paid, and that in case the amount so paid exceeds the amount reassessed on the same property, such surplus, including interest as aforesaid, must be paid to the person who may have paid the same.

§ 335. **Assessments not invalidated by irregularities.** No assessment or tax shall be vacated, set aside, canceled, annulled, reviewed or otherwise questioned or affected by reason of any error, omission, irregularity or defect, not actually fraudulent, in any of the steps or proceedings required to be had or taken as preliminary to, or in the making of, the assessment, or in the levying or collection of the tax, nor in relation to or in connection with any proposal, designation of materials, contract, work or improvement for or on account of which such assessment was made or tax imposed. But all property shall be liable to assessment and all assessments shall be valid and of full force and effect notwithstanding any such error, omission, irregularity or defect.

§ \*366. **Taxes personal debts and liens.** Every city tax creates a debt and personal obligation in favor of the city and against the person or corporation taxed, provided that at the time of the preparation of the tax rolls containing the same the person or corporation taxed is a resident of the state of New York, and in case of a tax or assessment for local improvement upon real estate, against the owner or occupant thereof from the date of the receipt of the tax roll and warrant by the city treasurer until the same shall be fully paid. To each of the tax rolls there must be annexed a warrant under the hand of the mayor and city clerk, and the seal of the city, commanding the city treasurer to collect

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\* So in original.

from the several persons named in the tax and assessment rolls the several sums levied as taxes or assessments in the columns of such rolls according to the provisions of this act, and such tax or assessment rolls must be delivered to the treasurer as provided herein.

§ 337. **Fees and proceedings on collection of taxes.** The treasurer, upon receiving said tax rolls, shall give notice in the official newspaper, of the receipt by him of the tax rolls and warrants, and that all persons named therein are required to pay their taxes at his office on or before the first day of September next ensuing; for one month after said August first, every person may pay his taxes to said treasurer without any fees being charged thereon; for one month next succeeding, four per centum fees will be added and collected. Said fees shall be paid over and accounted for by the treasurer as part of taxes collected by him.

§ 338. **Fees and proceeding in collection of taxes after October first.** If any such tax shall remain unpaid on the first day of October after the delivery of the tax roll and warrant to the treasurer he shall thereupon cause a written or printed notice to be given to every person residing in the city, or \*transacting business therein, from whom such tax may be due, specifying the amount of the tax and the percentage thereon, and requiring the same to be paid with six per centum fees on or before the first day of December of the same year at his office, and also stating that if such tax is not so paid that the treasurer will add to and collect interest on such tax at the rate of one per centum per month, to be computed from the first day of December, which said percentage of one per centum the treasurer is hereby required to include and collect as a part of the tax. Such notices shall be served on the persons assessed by depositing the same in the post-office in the city of Rensselaer, inclosed in securely-sealed postpaid envelopes and addressed to the person or persons assessed, at his address given in the last city directory or to Rensselaer, New York. If any of the persons assessed shall be known by the treasurer to reside in any other place, their notice shall be directed to such other place, or in case of non-residents who have filed notice pursuant to section seventy of the tax law, such notice shall be directed to address given in said notice. It shall not be necessary to make any other demand of payment of said tax and the said notice so served shall be deemed a full compliance with the statute which requires the issue of a warrant or execution or a collector of taxes to call at least once on the person taxed, or at the place of his

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\* So in original.



usual residence, and demand the payment of the taxes charged to him or his property.

§ 339. **Proceedings in case of failure to collect tax.** On or before the fifteenth day of December of the year next after any tax shall have been imposed upon any real estate in said city, and receiving of the tax roll, the treasurer shall make and deliver to the assessors a transcript of any and all such taxes which remain unpaid. The assessors shall revise the same and complete such revision within fifteen days, and they shall give public notice that they will meet at the city clerk's office at the end of ten days after receiving such transcript, at a time to be designated by them, to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same at least once in the official paper of the city, said notice to be published or posted at least one week prior to the date of said meeting. And it shall be the duty of the assessors within ten days thereafter, to make and deliver to the treasurer such corrected statement, containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such land shall have been erroneously assessed then it shall be the duty of such officer to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessments and the amount of taxes levied upon said lands, shall be valid and effectual for all purposes as though they had originally been correct. The treasurer shall retain said list in his office and collect said taxes and interest thereon at the rate of twelve per centum per annum to be computed from the first day of December of the year in which the city clerk delivered the assessment rolls to the treasurer. Whenever any such tax, penalty or any part of either of them shall remain unpaid on the first day of June following the delivery to the treasurer of such corrected statement and assessment, the treasurer shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or the part remaining unpaid, and the expenses of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 340. **Notice of sale of lands for taxes.** The treasurer shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale in the official newspaper of the city, once a week for at least three successive weeks, \*immediately prior to the day of sale, and shall

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\* So in original.



also post such notice of sale in at least three public places in the city at least twenty-one days before the day of sale. On the day named the treasurer shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives or any person interested therein may avoid the sale thereof by paying the tax or taxes to the treasurer, with all accrued fees, interest additions and expenses.

§ 341. **Manner of conducting sale of land for taxes.** Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the treasurer immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the treasurer shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the treasurer shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the treasurer shall prepare and execute in duplicate as to the parcel sold, a certificate of such sale, describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the treasurer. The treasurer shall deliver the other duplicate certificate to the clerk of the county of Rensselaer, who shall file the said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the treasurer and shall be a part of the expenses of the sale of the parcel. If from any cause the treasurer shall be unable to attend at the time and place of sale, the as-

sistant treasurer or city clerk of said city may conduct the sale with the same force and effect as though made by the treasurer.

§ 342. **Disposition of proceeds of sale.** The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax or penalty for which it was sold, and if there shall be any residue the treasurer shall hold the same until the owner of the premises at the time of such sale shall redeem them from the sale as herein provided, and the treasurer shall pay such owner the surplus. In all other cases the treasurer shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus to the party entitled thereto, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of mortgage on real estate. Any person making such application or in any way sharing in the distribution of such money shall be deemed to have waived all his rights to the recovery of the value or possession of such lands or any part thereof. In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the treasurer may deduct the amount thereof from any surplus in his hands received from such sale; if there shall be no surplus, or it shall be insufficient to pay such taxes, the person redeeming shall pay the said amount, otherwise the purchaser shall pay the same before he shall receive his conveyance of the said property.

§ 343. **Notice of redemption.** At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the treasurer shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months, in the official newspaper of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption by the purchaser or his assigns. The publication and service of such notice shall bar and preclude any and

all persons except the purchaser at such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said land shall not be redeemed from such sale as hereinbefore provided, except that the time to redeem shall not be deemed to have expired until at least three months after the service of said notice is made as herein provided. Where the city is the purchaser it is the duty of the treasurer to cause notice to be properly served and for the service of which he may pay not exceeding the sum of one dollar. He shall also record and pay for the conveyances taken by the city.

§ 344. **Redemption of lands.** The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the treasurer, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of twelve per centum per annum from the day of sale, together with any tax or assessment upon said parcel, or any part thereof, paid by said purchaser or his assigns, or persons before redeeming, with interest at the rate of twelve per centum per annum upon such tax or assessment from the time of payment. If an infant or incompetent have an interest in the property so sold, the purchaser thereof may, if such infant or incompetent have no guardian or committee, make application for the appointment thereof. All notices and notices of redemption required to be served may be served on the guardian or committee of such infant or incompetent. The time during which such redemption may be made shall not commence to run against infants or incompetent persons if they have no guardian or committee or if no guardian or committee be appointed as herein provided, until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the treasurer shall give such owner a receipt for the amount paid by him to effect such redemption and the county clerk shall record and index same and he shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office, for which he shall have the fees allowed by law for filing and recording a satisfaction of mortgage.

§ 345. **Conveyance of real estate for taxes.** If any parcel or lot so sold shall not be redeemed as herein provided, the treasurer, immediately after the expiration of the said two years and upon the filing in his office of due proof of service of such notice to redeem, shall execute and deliver to the purchaser, his heirs or assigns, upon demand, or to the city, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The treasurer executing such conveyance shall be entitled to demand and receive from the grantee one dollar for the benefit of the city for preparing every such conveyance, but all purchases in each ward made for the city in any year may be included in one conveyance. Every such conveyance shall be executed by the treasurer who shall affix the seal of the city thereto and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments or instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that said sale and all previous proceedings from and including the assessment of the lands sold, were regular and in accordance with all the provisions of law relating thereto and such presumption shall attach to all such conveyances executed and delivered since April twenty-third, eighteen hundred and ninety-seven, or which shall hereafter be executed and delivered by or on behalf of the city of Rensselaer. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantee or his assigns or the city, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 346. **Reimbursement to purchaser on failure of title.** Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any pro-

ceeding for the collection of any tax, the common council of said city shall reimburse the purchase money so paid, with interest at six per centum per annum, from the time \*if its payment, the amount thereof to be presented and audited as other city charges, and paid by the treasurer of said city.

§ 347. **Limitation of liens.** All taxes and assessments heretofore or hereafter levied on real estate shall cease to be a lien at the end of twenty years from the time when each such tax or assessment shall have become due and payable. But nothing in this section contained shall revive the lien of any tax or assessment on real estate which has ceased to be a lien as against subsequent purchasers, mortgagees or other incumbrances.

§ 348. **Taxes and assessments validated.** All city taxes and local assessments and reassessments for paving or other local improvements heretofore or hereafter levied and assessed or reassessed by the city of Rensselaer or by its officers, together with interest, fees and penalties, are and shall be valid and effectual, notwithstanding any irregularity, omission or error in the proceedings relating to the same or any of them, or in the making, levying or assessment of the same; and all proceedings for the collection of the same are and shall be valid and effectual, notwithstanding any irregularity, omission or error in such proceedings or any of them. All proceedings for the insertion hereafter in the annual tax rolls of local assessments or instalments, expenses of public improvements or work apportioned upon the property benefited, expenses of cleaning and repairing sidewalks, taxes, and all other items, and all the proceedings preliminary to inserting the same, including the adding of interest, are and shall be valid and effectual, notwithstanding any irregularity, omission or error in such proceedings or any of them. Nothing in this section contained applies to a local assessment against the state of New York.

§ 349. **Actions to recover taxes levied on personal property.** All annual taxes levied upon account of personal property including interest, penalties and fees thereupon to the date of judgment or final order, at the rates hereinbefore provided in this act, must be collected in the name of the city by the corporation counsel, after the first day of June following the date of the delivery to the city treasurer of the tax rolls containing the same, by actions or supplementary proceedings. Such actions may be commenced in the city court of Rensselaer, in the Rensselaer county court or in the supreme court, in the same manner as other civil actions

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\* So in original.

are commenced in said respective courts, and the provisions of the code of civil procedure and the laws and statutes relating to the conduct and prosecution of actions and to practice and procedure in the respective said courts apply to such actions. Supplementary proceedings to collect such taxes must be commenced by the presentation to the county judge of Rensselaer county of an affidavit made by an officer of the city of Rensselaer, stating that a tax has been levied against a person, firm, estate or corporation named therein, and that the same is due and remains unpaid, and thereupon an order may be granted requiring such person, firm, estate or corporation to appear before such county judge or before a referee named in such order and answer concerning his, their or its property, and thereafter the same proceedings are had in all respects as in cases of proceedings supplementary to an execution against property as provided by the code of civil procedure, and the provisions thereof thereafter apply to such supplementary proceeding.

§ 350. **Notice of foreclosure.** Where city taxes upon or local assessments or assessments or reassessments heretofore made under provisions of the charters of the village of Greenbush, city of Rensselaer, or by special act of legislature, or the installments thereof, against real estate remain unpaid for one year from the taking effect of this act, or where the city is the owner of or entitled to a certificate of sale of property heretofore or hereafter sold for nonpayment of taxes and where said property has not been redeemed within two years after the purchase thereof by the city or a deed thereof taken thereunder in the name of the city, the corporation counsel must, after receipt of a list of such taxes or such certificate of sale from the treasurer, give notice to the respective owners of the premises taxed or so sold that he intends to commence actions to foreclose the liens of such taxes, unless the respective taxes or assessments are paid within two weeks from the date of the service of the respective notices; and the fees for serving such notices not exceeding one dollar for each person served must be added to and collected as a part of said taxes. Such notice may be served on the owner of the lands so taxed or assessed in the same way as notice to pay taxes is made by the treasurer. The service of such notice is not a condition precedent to the right to maintain the foreclosure action hereinafter provided for, and the failure to serve the same is not a defense to such action.



§ 351. **Foreclosure of tax or assessment liens.** When city taxes upon or local assessments or assessments or reassessments made under provision of the charters of village of Greenbush or city of Rensselaer or by special act of legislature or the instalments thereof against real estate remain unpaid for one year after the taking effect of this act, or where the city is the owner of or entitled to a certificate of sale of property heretofore or hereafter sold for nonpayment of taxes and where said property has not been redeemed within two years after the purchase thereof by the city or a deed thereof taken thereunder in the name of the city, the liens created by the levying of said taxes or assessments or instalments thereof by the common council or arising under or by reason of such certificate of sale, together with interest, fees and penalties thereon to the date of judgment, at the rates provided in this act, must be foreclosed in a court of record in the name of the city by the corporation counsel, in the same manner as is provided for the foreclosure of mortgages, and the provisions of the code of civil procedure, and of the rules of practice and the law and practice of this state relating to the foreclosure of mortgages, and the provisions of the code of civil procedure relating to the service of process, the commencement and conduct of actions, the jurisdiction, procedure and practice of courts, and award of costs, apply to said actions for the foreclosure of tax liens. A conveyance upon a sale made pursuant to a final judgment in an action to foreclose the lien of a tax or assessment vests in the purchaser all the right, title and interest and equity of redemption in and to said premises so sold of all the parties to said action, and of all parties claiming under them, or any of them, whose conveyance or incumbrance is executed or recorded subsequent to the filing of the notice of pendency of action. Separate taxes or assessments or instalments thereof or taxes and assessments against the same lot or parcel of land so remaining unpaid may be foreclosed in one action, and where several lots or parcels of land are owned by the same person or persons, corporation or corporations, separate tax or assessment liens upon separate lots and parcels of land so owned may, at the option of the corporation counsel, be foreclosed in one action. All city taxes, local assessments, due the city of Rensselaer, and which are a lien upon the lands sold shall be satisfied from the proceeds of the sale of said lands as far as possible. and judgment for the deficiency, if any, of all annual taxes and



local assessments or instalments thereof due the city of Rensselaer, and which are a lien upon the lands sold, must be granted against any defendant or defendants in said actions personally liable therefor; and the final judgments in such actions may direct the cancellation or satisfaction of record of any lien or liens of any party or parties to the action. The corporation counsel may bid for and purchase in the name of the city, upon sales under judgments in actions to foreclose tax liens.

§ 352. **Other remedies to collect taxes not affected.** The actions to enforce personal liability, the supplementary proceedings and the foreclosure actions herein provided for, are in addition to the other methods provided for the collection of taxes and assessments in the city of Rensselaer and are not dependent upon them or any of them or any step thereof.

§ 353. **Collection of taxes heretofore levied.** All city taxes, local assessments or instalments thereof heretofore taxed, assessed, reassessed or charged by the village of Greenbush or city of Rensselaer, or by its officers, may be collected in the name of the city by the corporation counsel by action to enforce personal liability, supplementary proceedings or foreclosure of tax liens, as provided herein for the collection of taxes and assessments or instalments thereof, and such methods are in addition to other methods provided for the collection of taxes and assessments, and are not dependent upon them or any of them; and in such actions, supplementary proceedings and foreclosures all items inserted in the annual tax rolls must be collected as a part of the annual taxes upon the same property against which such items were inserted, with interest, penalties and fees, the same as upon city taxes. No action, supplementary proceeding or foreclosure action may be commenced to collect taxes heretofore levied until after the expiration of one year, in the case of taxes upon account of personal property, and one year in the case of taxes or assessment or reassessment for local improvement upon real estate, from the date of the delivery to the city treasurer of the rolls containing the same.

§ 354. **Actions now pending for the foreclosure of tax or assessment liens.** Actions now pending for the foreclosure of tax or assessment liens may be prosecuted to final judgment and sale under the statutes and laws in force when such actions were commenced.

§ 355. **Limitation of right to attack sales under tax foreclosure.** An action cannot be maintained to recover real estate heretofore

or hereafter sold under a judgment in an action brought by the city of Rensselaer to foreclose the lien of a tax or of an assessment for a local improvement or instalment thereof, or to recover any right, title, interest or equity of redemption in or to real estate so sold, unless the action therefor is commenced within one year after the entry of judgment of foreclosure and sale in case of sales hereafter had, or within one year from the time this act takes effect in case of sales heretofore had. The limitations herein provided apply to and bar nonresident persons, persons temporarily absent from the state, minors, insane persons, persons in prison, and all other persons and corporations whether under disability or not.

§ 356. **Assessment for state and county taxes.** On or before the first day of August in each year the assessors shall prepare a separate tax roll of the persons and property taxable in each ward for state and county taxes, and a duplicate thereof, both of which shall be deemed originals, and file same with the city clerk and forthwith give notice that they have been filed with the city clerk where they may be seen and examined by any person interested until the third Tuesday of August, and on that day and for four consecutive days thereafter that the assessors will meet at the office of the city clerk from nine to twelve in the forenoon and from two to four and from seven to nine o'clock in the afternoon, to review said assessments for state and county taxes. Such notice shall be posted at least in three conspicuous places in each ward and shall also be published at least once in the official newspaper of the city at least ten days before such third Tuesday of August. The assessors shall meet at the place and during the time specified in such notice and review said assessments, and on said review shall have the same powers and duties as to the correction and review of the assessment of state and county taxes as are given by this act for the correction and review of the assessment rolls for city taxes. After completing said correction and review the assessors shall thereafter deliver the said duplicate rolls completed and subscribed as required by law to the city clerk. The city clerk shall on or before September fifteenth thereafter deliver to the supervisor of said city one of the original rolls for each ward in his supervisor district. The supervisor shall deliver such rolls to the board of supervisors of the county of Rensselaer forthwith.

§ 357. **Warrant for the collection of county and state tax.** On or before December fifteenth, in each and every year, the board

of supervisors of the county of Rensselaer shall cause the corrected assessment rolls of each ward of the city of Rensselaer to be delivered to the treasurer of said city, who shall have all the powers and perform all the duties of collector of said city as the same are prescribed by general law, except as the same are modified or extended by this act; to each of which said corrected assessment rolls a warrant under the seal of the county, signed by the chairman and clerk of the said board of supervisors, shall be attached commanding said treasurer to collect from the several persons named in the assessment rolls the several sums mentioned in the last column opposite their respective names, and pay over the same in the manner in this act provided.

§ 358. **Fees and proceedings of treasurer in collecting state and county taxes before the first day of February.** Upon receiving the said assessment rolls the treasurer shall give notice in the official newspaper of the city, of the receipt by him of such assessment rolls and warrants, and that all persons named therein are required to pay their taxes at his office on or before the first day of February next ensuing. For three weeks following the date of such notice any person or corporation may pay his, her or their taxes therein assessed to him without any fee in addition thereto; after the expiration of three weeks and up to the first day of February next ensuing, two per centum fees shall be added to the tax and collected by him during that time; and after said first day of February four per centum fees shall be added to the tax and collected by him.

§ 359. **Proceedings of treasurer in collection of state and county taxes between the first and fifteenth of February.** If any such tax shall remain unpaid on the first day of February after the delivery of the assessment rolls and warrants he shall thereupon cause a notice thereof and demand for payment on or before February fifteenth of same year, at his office, to be served on the persons whose tax remains so unpaid, in the same manner as is required for service of a notice by the city treasurer under provisions of section three hundred and thirty-eight hereof.

§ 360. **Fees and proceedings of treasurer in collecting state and county taxes after the fifteenth day of February.** From the fifteenth day of February five per centum shall be added to the taxes and collected by the city treasurer, and it then shall be the duty of the treasurer to proceed without delay to issue his warrant under his hand and seal of the city, to any marshal of the

city or to as many of them as he may deem necessary, who may be approved by the common council, commanding said marshal or marshals in accordance with the provisions of the tax law, to levy the taxes and percentage with the same fees as in the case of levy and sale under execution in addition, by distress and sale of the goods and chattels of the person or corporation upon whose real or personal property the tax was apportioned according to the said assessment and tax rolls, or of any goods or chattels in his possession, wheresoever the same may be found in the city or county of Rensselaer, and to pay the proceeds of such levy and sale to the city treasurer and return such warrant on or before the fifteenth day of March in the same year, and no claim of property made to such goods and chattels shall be available to prevent the sale thereof except in such cases as provided by the general statutes of this state. Upon the return of said warrants as aforesaid and not later than the first day of April next succeeding, the treasurer shall make and deliver to the county treasurer of Rensselaer county an account of unpaid taxes upon each of the tax rolls of the wards of the said city annexed to his warrant, which he shall not have been able to collect, verified by his affidavit that the sums mentioned therein remain unpaid, that he has not upon diligent inquiry been able to discover any personal property out of which the same could be collected by levy and sale as hereinbefore provided and the city treasurer shall thereupon be credited by the county treasurer with the amount of such account. In case such tax is uncollected upon lots assessed to a resident, he shall also state the reason why the same are not collected. Such return shall be indorsed upon or attached to said roll and shall be in the form prescribed for collectors' returns by the state board of tax commissioners. Thereafter all such taxes so returned unpaid with the said percentage of five per centum thereon may be paid to the county treasurer of the county of Rensselaer and all further proceedings for the collection of said taxes shall be taken as prescribed by general or other laws. The city treasurer shall be entitled to receive for the benefit of said city from the county treasurer two per centum as fees for all taxes returned to the county treasurer as unpaid.

§ 361. **Bond of treasurer for collection of state and county tax.** Before any warrant for the collection of taxes issued by the board of supervisors of the county of Rensselaer shall be delivered to the said treasurer, and within eight days after he receives notice

of the amount of such tax to be collected by him, he shall execute a bond of some solvent surety company authorized to do business in the state of New York to the county of Rensselaer, to be approved by one of the supervisors of said city, in the penal sum of at least twice the amount to be collected by him, conditioned for the faithful performance of his duties as collector of such taxes, and that he will pay over all moneys received by him and account in the manner and within the time provided by law for all taxes upon said assessment-rolls, and he shall deliver said bond to one of the supervisors of said city. Such supervisor shall, within six days thereafter, file the bond with the approval thereof indorsed thereon in the office of the Rensselaer county clerk, who shall make an entry thereof in a book to be provided for the purpose, in the same manner as judgments are entered of record, and thereafter said bond shall be a lien on all the real estate held by said treasurer within the county at the time of filing thereof and shall continue to be such lien until its conditions, together with all costs and charges, which may accrue by the prosecution thereof, shall be satisfied, and until the same is discharged by the county treasurer of Rensselaer county in the manner provided by general law for the discharge and satisfaction of bonds of collectors.

§ 362. **Commissioner of assessment and taxation.** On or before December fifteenth in any year the common council may by ordinance determine that sections three hundred sixty-two to three hundred seventy, both inclusive, of this act shall become operative. In the event of the enactment of such ordinance the mayor shall appoint a suitable person to be commissioner of assessment and taxation, who shall hold office until the expiration of the year in which the next election for aldermen shall be held, when his successor shall be elected for a period of two years. He shall have an annual salary of seven hundred dollars.

§ 363. **Office of assessor abolished; appointment of commissioner.** Upon the taking effect of sections three hundred sixty-two to three hundred seventy, both inclusive, of this act, the term of office of each assessor then in office, and of each clerk and employee of the board of assessors, shall cease and determine. The office of assessor shall then be abolished, and thereupon the mayor shall appoint the commissioner of assessment and taxation. The commissioner of assessment and taxation shall be the head of the department of assessment and taxation. He may appoint and at pleasure remove a deputy who shall perform such duties as may

be prescribed by him. He may appoint such other employees as may be prescribed by the board of estimate and apportionment.

§ 364. **Duties of commissioner of assessment and taxation.** The commissioner of assessment and taxation shall possess all the powers conferred upon, be subject to all the obligations imposed upon, and perform all the duties pertaining to the office of assessor in the towns of this state, except as otherwise provided by law. He shall within the time allowed by this title to assessors for such filing complete in each year a general assessment-roll. He shall value and assess all real estate in the city on one common and general principle of valuation which shall apply to all real estate assessed within the city, including improved and unimproved property. In the case of improved property the land and the buildings and improvements thereon shall be valued separately by him, and such separate valuation and the aggregate valuation thereof shall be entered and appear in separate columns upon the assessment-roll. He shall keep a record of all transfers of real property in the city. He shall assess the value of personal property in the name of the owner thereof. He may make or cause to be made and shall continuously revise and correct the assessment map. He shall keep a card index of the assessment-roll as the same appears from year to year, and shall note thereon the changes in the assessments as the same are made, with the dates thereof. He shall publish the assessment-roll each year in pamphlet form for general distribution. This pamphlet shall show a tabulated comparison with the assessments of the two preceding years and shall be issued prior to review day. No error in said pamphlet shall invalidate any assessment or tax levied thereunder.

§ 365. **Description of premises.** In the assessment of any lands in the city for any purpose, it shall be sufficient to describe the property in the same way as assessors are permitted under this title. The commissioner of assessment and taxation shall also enter upon the assessment-roll the name of the owner in so far as it can be ascertained.

§ 366. **Notice of completion of roll.** When the commissioner of assessment and taxation has completed an assessment-roll he shall within the time heretofore allowed assessors give the same notice and review said rolls in the same way as by this act prescribed for such review by the assessors. He shall make all corrections of the assessment-roll within five days after the close of such hearings. Any person who, after a hearing before the commissioner,



feels that his property is inequitably or unfairly assessed may apply to the board of equalization and review as hereinafter provided. Such application shall be in writing, duly verified by the applicant or his duly authorized agent, and shall state the ground of the applicant's complaint.

§ 367. **Board of equalization and review.** The mayor shall appoint two persons who in his judgment are familiar with the value of property in the city, who, together with an alderman designated by the common council, shall constitute the board of equalization and review. The members of the board of equalization and review shall receive such compensation per day for each day they are necessarily engaged in the review and correction of the assessments as may be fixed by the board of estimate and apportionment. Within ten days after the close of the hearing on the assessment-roll as hereinbefore provided to be held by the commission of assessment and taxation, the board of equalization and review shall receive the complaints in the form above prescribed of all persons who still deem their property to be inequitably and unfairly assessed. If, upon the hearing of a complaint, and the examination of the roll, the board finds that the complaint is well founded, it shall correct the assessment and the assessment-roll. Such corrections shall be made in red ink. Upon any such hearing the commissioner of taxation and assessment may in his discretion appear and be heard in support of the assessment complained of.

§ 368. **Filing of assessment-roll.** After the assessment-roll has been corrected it shall be filed, certified as to its correction by the board of equalization and review, with the city clerk within the time prescribed for such filing by assessors in this title. The assessment-roll shall thereupon become official and conclusive as to all persons who have not made objection as herein provided. No erasure shall be made upon the original assessment-roll. Prior to the confirmation thereof, the city clerk shall, under the direction of the common council, correct all manifest clerical errors on the assessment-roll.

§ 369. **Apportionment of assessment.** Any person whose real property is assessed upon the assessment-roll with real property of another person as one piece or plot may, at any time after the filing of the assessment-roll, submit his deed or other evidence of title to the property to the commissioner. The commissioner shall apportion the assessment and the tax thereon, and shall forthwith



deliver a written statement of his apportionment to the treasurer. The treasurer shall thereupon enter the apportionment upon the assessment-roll, and shall thereafter separately receive the taxes so apportioned.

§ 370. **Copy of assessment-roll.** A true copy of the assessment-roll shall be prepared by the commissioner of assessment and taxation and shall at all times be kept in his office. All other proceedings for the levying and collection of taxes and assessment shall be as by this act provided.

## TITLE XVII.

### GENERAL AND LOCAL IMPROVEMENTS; GENERAL PROVISIONS RELATIVE THERETO; PAYMENT AND ASSESSMENT THEREFOR.

#### Section 380. General improvements.

381. Opening, altering or extending streets or public grounds, and assessment of benefits and payment therefor.

382. Construction and repair of sidewalk and curbs and gutters.

383. Local assessments payable in instalments.

384. First ordinance for local improvements.

385. Amendment of first ordinance for local improvements.

386. Final ordinance for local improvements.

387. Requirement for passage of final ordinance.

388. Expenses to be assessed.

389. Assessment-roll.

390. Appeal from local assessment.

391. Right to review assessment or tax for local improvement limited.

392. Procedure on review.

393. Consolidation of separate proceedings.

394. State lands.

395. Errors and irregularities may be corrected.

396. Collection of local assessments.

397. Unpaid local assessments to be inserted in annual tax rolls.

398. Work may be done by contract.

399. Guardian ad litem for infant defendants.

400. Rebates and deficiencies.

§ 380. **General improvements.** In addition to other improvements and expenses provided by this act to be paid by the city at large, the necessary expense of laying new pavements, macadamizing or covering with concrete, asphalt, brick, stone, wood or gravel, sand or other materials, including the grading and preparation of streets therefor, and also to defray the cost of the construction of bridges, arches, viaducts and sewers, including the cost of acquiring real estate, rights and easements therefor, and all expenses incident to or connected with said improvements, shall be borne by the city at large, provided, however, that property which has already been separately or specifically assessed for granite block or asphalt pavement laid prior to April fifth, nineteen hundred and one, shall be assessed in such general assessment for any new pavements, only to the amount which would properly be assessable upon such property for such new pavements, after deducting therefrom the amount actually paid upon said assessments for such granite block or asphalt pavement laid prior to April fifth, nineteen hundred one, and that property which has already been separately or specifically assessed for a sewer or sewers constructed prior to December thirty-first, nineteen hundred two, shall be assessed in such general assessment for any new sewers, only to the amount which would properly be assessable upon such property for such new sewers, after deducting therefrom the amount actually paid upon said assessments for such sewer or sewers constructed prior to December thirty-first, nineteen hundred two. The expense of such improvements which shall be borne by the city at large shall be included in the budget and raised by tax the same as other general city charges, or may be borrowed and raised by the city by the issue of bonds in accordance with the provisions of this act, as shall be determined by the board of estimate and apportionment. An amount sufficient to pay any such bonds, when due, together with the accrued interest thereon, shall be included in the tax budget and raised by tax as are other general city charges, and such bonds as they mature, together with the interest thereon, shall be paid out of the moneys so raised by tax. The word "pavement" in this section does not include curbing. Nothing herein contained shall relieve any street surface railroad corporation from the obligation of paving such portion of the street as is imposed on it by law. The share of such railroad company shall be assessed and collected from said company as though it

were the company's share of a local improvement as provided herein.

§ 381. **Opening, altering or extending streets or public grounds and assessment of benefits and payment therefor.** Whenever the common council shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley, highway, sewer or public grounds in said city, or acquire any lands or buildings for public purposes, and the lands of any person or corporation or any right or easement therein shall be necessary for such purpose, and whenever the common council shall intend to acquire lands, rights or easements therein, for any purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same which shall be filed in the city clerk's office, and cause a copy thereof to be filed in the office of the Rensselaer county clerk, showing upon such map the lots, tracts and parcels of land and rights or easements therein that are deemed to be necessary to be taken, and the commencement, course and termination of the street, lane, alley, highway or park proposed to be laid out, widened, extended or altered, or other work or improvement proposed to be made in or through the lands so taken. And for that purpose the city engineer and those acting under his direction shall have power to go upon any grounds in or outside of the limits of said city. The common council shall then declare by resolution its intention to take and appropriate the said property for the proposed improvement. Thereafter it may, subject to the provisions of this act, purchase of the owner or owners thereof the land or right or easement therein deemed necessary, and make him or them such compensation as the common council with the approval of the board of estimate and apportionment shall judge reasonable, upon receiving from such owner or owners a conveyance thereof to the city. In case the city is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, the city shall acquire the same by condemnation proceedings under the provisions of the condemnation law of this state. No one shall alter the condition of any part of said land except to plant or harvest crops thereon after such map is so filed while such proceedings are pending, and a violation of this provision shall constitute a misdemeanor. If damages arise out of the making of an improvement payable by the city at large, the

amount of such damages shall be included in the cost of making such improvement, and payment thereof made or provided for in accordance with this act. After they have been ascertained and determined, if they have arisen out of the making of a local improvement, said common council shall declare a district of assessment therefor and the common council shall direct such part of the amount of such damages and expenses to be assessed upon the city and such part locally as they shall deem just. The common council shall then direct the said assessors to assess the amount awarded for damages and expenses so directed to be borne by the property benefited locally, specifying the aggregate amount of the same, upon the property within such district of assessment. The assessors shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner, and as nearly as may be in proportion to the benefits, if any, received; such assessment shall be made in the same manner as other local assessments. When the assessment roll shall be filed, the assessment may be appealed from in the same manner, and the common council shall possess the same powers in reference thereto and proceed in the same manner, as on appeals from other assessments. Within three months after the final determination of all proceedings in which any award shall have been made, and before taking possession of the property, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each respectively, less any sum which shall have been assessed against them for any benefits on account of such improvement. In case any such owner shall refuse the same, or be unknown, or a nonresident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed, or doubtful, the common council may make payment of the portion to the county treasurer of the county of Rensselaer, as provided by the condemnation law. Upon such payment or tender of payment to the clerk being fully made, the fee of the land shall be vested in the city.

**§ 382. Construction and repair of sidewalks, curbs and gutters.** Whenever the common council shall by resolution or ordinance declare that any sidewalk, curb or gutter shall be made, constructed or graded, it shall specify that the same be done at such times, in such manner and of such materials as it may prescribe and direct. At least twenty days before the expiration of the time specified for the doing of such work, said common council

shall cause to be served upon the owners of the lands adjoining such sidewalk, curb or gutter so to be improved, a copy of said resolution or ordinance, with a notice that if the same is not done within the specified time by the several owners, it will be done by said common council at the expense of the owners thereof. Such copies of resolution shall be served by the city clerk in the same way as a demand for payment of city tax is required to be made by section three hundred and thirty-eight of this act. The certificate of the city clerk as to the mailing of copies of such resolution shall be filed in the office of the clerk of the city and such certificate, or a certified copy thereof, shall in all courts, places, actions and proceedings be presumptive evidence of the facts therein stated. In case such improvements shall not be made or done as required within the time specified, the common council shall make or do the same in accordance with the provisions of this act, and the commissioner of public works shall file with the city clerk his certificate that the work has been done. Upon the filing by the commissioner of public works of such certificate, the cost and expense of such work shall be assessed and collected in the manner prescribed for the assessment and collection of local improvements.

§ 383. **Local assessments payable in installments.** Instead of directing that assessments for local improvements be paid fully within one hundred and twenty days, as herein provided, the common council may, by a two-thirds vote of all the members elected thereto, with the approval of the mayor and upon the prior recommendation of the board of estimate and apportionment, provide in any ordinance for any local improvement, the expense for which, or for any part thereof, may be imposed and assessed upon the property benefited thereby, as provided by law, that the assessment thereon shall become due and payable in any number, not less than five nor more than fifteen equal annual installments, and that one of such installments, together with interest thereon, from and after the date of the confirmation of such assessments at the rate of five per centum per annum upon the whole amount of the entire assessment remaining unpaid, shall be due and payable upon each first day of June following the confirmation of such assessment, until the whole of said assessment and the interest thereon shall be paid. The owner or occupant of any piece of property so assessed may at any time pay to the treasurer the entire assessment upon his or such property with interest at the

rate aforesaid up to the time of such payment, and thereupon said property shall be discharged from the lien of such assessment.

§ 384. **First ordinance for local improvements.** In the case of a public improvement or work involving a local assessment, the common council must cause an estimate of the expense of the proposed improvement or work to be made, and of the maximum cost per front foot to the property to be assessed therefor, and may thereafter pass a first ordinance declaring its intention to require such improvement or work to be made or done and describing the portion of the city which it deems proper to be assessed for the expense thereof. Thereafter a notice must be published once in the official paper specifying the improvement or work, the estimated expense thereof, the amount thereof to be paid by the city at large, if any, and the portion or part of the city to be assessed, and the time of hearing allegations thereon by the common council.

§ 385. **Amendment of first ordinance for local improvements.** Whenever after publication of notice for hearing of allegations, the first ordinance for a public improvement or work involving a local assessment, is amended by increasing the estimated expense thereof, or the territory to be assessed, the final ordinance must not be passed until a new notice is published in the form and manner required after the passage of the first ordinance.

§ 386. **Final ordinance for local improvements.** At the time appointed in the notice for the hearing of allegations, or the time to which the meeting at which allegations were advertised to be heard is adjourned, the common council must hear the allegations of persons interested who appear, and may pass a final ordinance for such public improvement or work or take such other action thereon as is deemed proper. A final ordinance for a public improvement or work involving a local assessment must specify the number of equal annual installments, if any, in which the assessment is payable.

§ 387. **Requirements for passage of final ordinance.** A final ordinance for a public improvement or work involving a local assessment, must be passed by a vote of two-thirds of all the members of the common council, unless a majority of the owners of property to be assessed for the expense thereof, as appears by the records of the assessors, present to the common council a petition for such work or improvement.

§ 388. **Expenses to be assessed.** Upon the certificate of the city engineer that the work of any such local improvement, the



expense of which is to be defrayed wholly or partially by local assessment, has been completed, the common council shall direct the cost thereof to be assessed by the city engineer, or it may in its discretion direct the cost thereof to be assessed by the city assessors; and it shall be the duty of said engineer if so directed to immediately assess the cost of such local improvement upon the property lying within the district of assessment declared for such improvement, in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to derive therefrom without reference to erections or improvements thereon. Except as herein otherwise provided, the cost of any local improvement shall be deemed to include the entire expense thereof, including inspection, except the engineering and publishing and serving notices. When the city engineer is disqualified to act by reason of owning or being interested in any real property within the district of assessment, or by reason of relationship to any of the parties likely to be affected by the assessment therein for such local improvement, by consanguinity or affinity, within the sixth degree, to be determined in the same manner as in the case of a judge, or unable to act, or the city assessors are required by the common council to act in his stead, his duties with reference to such assessment shall devolve upon and be performed by the city assessors.

§ 389. **Assessment-roll.** The city engineer or said assessors shall make out an assessment-roll and a duplicate thereof, both of which shall be deemed originals, and set the amount of tax assessed in the last column of the rolls and file them in the office of the city clerk, and thereupon give public notice in the official paper for one week and by posting a copy of said notice in four public places in said city that such assessment-rolls have been prepared and will remain at the office of the city clerk for the term of fifteen days from the date of such notice, during which time any person interested may examine said rolls, and at the expiration of said fifteen days, and on the day and hour and at the place to be specified in said notice, the city engineer or city assessors, as the case may be, shall attend and hear any objections to said assessment, and shall decide upon the same and shall, if need be, alter and correct said assessment-rolls, and when completed, sign the same and file them with the city clerk.

§ 390. **Appeal from local assessment.** Any person feeling himself aggrieved may file with the clerk a written appeal therefrom,



briefly stating the grounds of such appeal. The common council shall thereupon proceed to hear and determine such appeal or appeals, upon view of the property assessed or upon the evidence, or both, and affirm or reverse the assessment. In case of affirmance it shall be final and conclusive and the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken. Said assessment-rolls shall be signed by the mayor and a majority of the aldermen in office. In case of reversal, the common council shall appoint three disinterested electors of the city as commissioners, who shall proceed in like manner, upon view of the property assessed or upon evidence or both, and for such purpose be invested with the same powers as the city engineer or assessors to make a new assessment. They shall make their tax rolls in the same manner and sign the same and file them with the city clerk, and the same shall be final and conclusive on all parties. Such commissioners shall receive three dollars per day for services, to be paid by the city, unless the assessments of the appellants, as determined by said commissioners, shall be less favorable to them than the assessment appealed from, in which case the fees of such commissioners shall be paid by the appellants and added to the amount of their taxes respectively by the commissioners in proportion to the amount thereof.

§ 391. **Right to review assessment or tax for local improvement limited.** No action or proceeding to set aside, vacate, cancel or annul any assessment or tax for a local improvement shall be maintained, except for total want of jurisdiction to levy and assess the same on the part of the common council, officers or commission authorized by law to make such levy or assessment or to order the improvement on account of which the levy or assessment was made. No action or proceeding shall be maintained to modify or reduce any such assessment or tax except for fraud or substantial error by reason of which the amount of such tax or assessment is in excess of the amount which should have been lawfully levied or assessed.

§ 392. **Procedure on review.** No action or proceeding shall be maintained to set aside, vacate, cancel, annul, review, reduce or otherwise question, test or affect the legality or validity of any assessment or tax for a local improvement, except in the form and manner and by the proceedings herein provided. If, in the proceedings relative to an assessment or tax, entire absence of jurisdiction on the part of the common council, officers or commission

authorized by law to levy or assess the same or to order the improvement on account of which the assessment was made or tax imposed, is alleged to have existed or in case any fraud or substantial error, other than the errors or irregularities specified in the preceding section, by reason of which substantial damages have been sustained, is alleged to have existed or to have been committed, any party aggrieved thereby, who shall have filed objections thereto within the time and in the manner specified by law therefor, may apply to the supreme court at any special term therefor, held within the judicial district in which the city is situated, for an order vacating or modifying such assessment as to the lands in which he has an interest, upon the grounds in said objection specified, and no other, and upon due notice of such application to the corporation counsel. Each such application shall be made within twenty days after the confirmation of the assessment. Thereupon such court may proceed to hear the proofs and allegations of the parties and determine the same, or may appoint a referee to take the proof and report thereon, or to hear, try and determine the same. If it shall be determined in such proceeding that the common council, officers or commission had no jurisdiction to make the levy or assessment complained of or to order the improvement, the court may order such assessment or tax vacated. If it shall be determined therein that any such fraud or substantial error has been committed and that the party applying for such relief has suffered substantial damages by reason thereof; the court may order that the assessment or tax be modified as to such party and as so modified that it be confirmed. A like application may be made to secure a modification or reduction of any such assessment or tax on account of fraud or such substantial error occurring in the performance of the work of the improvement on account of which such assessment or tax is made or levied, and it shall be determined in like manner. If, in any such proceeding, it shall be determined that such fraud or substantial error has been committed, by reason of which any such assessment or tax upon the lands of any such aggrieved party has been unlawfully increased, the court may order that such assessment or tax be modified by deducting therefrom such amount as is in the same proportion to such assessment or tax as the whole amount of such unlawful increase is to the whole amount of the assessment or tax for the improvement. An order so made in any such proceeding shall be entered in the county clerk's office, and

shall have the same force and effect as a judgment. The court may, during the pendency of any such proceeding, stay the collection of any assessment or tax involved therein as against the parties thereto. Costs and disbursements of any such proceeding may be allowed in the discretion of the court as in an action. No appeal shall be allowed or taken from the order made in any such proceeding, but the determination so made therein shall be final and conclusive upon all parties thereto. No assessment or tax shall be modified otherwise than to reduce it to the extent that the same may be shown by the parties complaining thereof to have been in fact increased in dollars and cents by reason of such fraud or substantial error. In no event shall that proportion of any such assessment which is the equivalent of the fair value or fair cost of the improvement be disturbed for any cause. No money paid on account of any assessment or tax shall be recovered for any cause, except the amount of the excess of such assessment or tax over and above the fair value and cost of the improvement. In case of the failure of any assessment or tax for any cause, the city treasurer shall certify such fact to the common council and it shall be its duty to forthwith cause the same to be relieved and reassessed in a proper manner.

§ 393. **Consolidation of separate proceedings.** Two or more persons may unite in commencing and prosecuting the proceedings to vacate or modify assessments; and when two or more persons have commenced separate proceedings to vacate or modify assessments for the same improvement, the court before whom the same are commenced or pending, or a judge thereof at special term or chambers, may, by order, upon due application and notice, consolidate such separate proceedings into one proceeding.

§ 394. **State lands.** Nothing herein contained shall affect any assessment upon lands owned by the state nor be deemed to repeal or modify any of the provisions of section twenty-one of the public lands law.

§ 395. **Errors and irregularities may be corrected.** Errors and irregularities in the proceedings contemplated by this act, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 396. **Collection of local assessments.** If no appeal be taken from the first assessment-roll filed with the city clerk, or if an

appeal be taken therefrom and such assessment be affirmed the common council shall cause the proper warrant to be attached to one of said assessment-rolls and to the other a copy of said warrant, and the treasurer's receipt for said special assessment-roll, with warrant attached to the city treasurer and secure his signature to the receipt therefor in the duplicate roll filed in his office. If an appeal be taken from such assessment and the same be reversed, the common council shall cause the proper warrant to be attached to one of the second assessment-rolls filed by such commissioners and to the other a copy of said warrant. The city clerk shall deliver said assessment-roll and warrant to the city treasurer and secure his signature to the receipts therefor in the duplicate roll filed in his office. Said warrant shall be signed by the mayor and a majority of the aldermen in office. Whenever the assessment-roll and the warrant for its collection for any local improvement shall be left with the city treasurer, he shall receive the taxes thereon for the same time, and with the same fees as directed herein for the collection of city taxes, and shall give notice to that effect immediately upon receipt of said assessment-roll by publication thereof in the official paper of the city. If any such taxes or any instalment thereof remain unpaid at the expiration of sixty days from the time of the delivery of said assessment-roll to the treasurer, the said treasurer shall report same to the assessors on or before July first of each year for insertion in the city tax rolls as provided by this act.

§ 397. **Unpaid local assessments to be inserted in annual tax rolls.** In case any assessment or instalment thereof has become due and the whole or any part thereof remains unpaid, it shall be the duty of the assessors to insert the same when reported as provided in this act by treasurer in the annual tax rolls for the current year against the respective lots or parcels of land on which the assessments were originally levied, with an addition to each assessment or instalment of ten per centum per annum from the time when due to the date of the annual city tax sale following the insertion. Up to the date of said sale, the treasurer may in his discretion receive the amount of any assessment or instalment inserted or to be inserted in the annual tax rolls for the current year with the aforesaid addition of ten per centum.

§ 398. **Work may be done by contract.** Except as herein otherwise provided, all work, within the purview of this title, shall be done by contract, to be let to the lowest bidder under the regu-

lations and limitations prescribed in this title in reference to the paving of streets.

§ 399. **Guardian ad litem for infant defendants.** Whenever an infant or other incompetent person shall be interested in real estate affected by any local improvement, the county court of Rensselaer county or the supreme court shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct. The compensation so paid shall be included in the amount of the assessment made against the property of such infants.

§ 400. **Rebates and deficiencies.** In all cases of assessment for improvements the assessors shall include in the apportionment all the expenses connected with or which were incident to the making of the improvement and assessment. Whenever the amount apportioned shall exceed the actual cost of the improvement, including all expenses connected therewith or incidental thereto, the city treasurer shall certify the amount of the surplus to the assessors and they shall thereupon declare a rebate and the excess shall be refunded pro rata to the persons who paid their assessments. If the amount assessed for any improvement shall be insufficient to cover the cost of the improvement, including all expenses connected therewith and incidental thereto, the city treasurer shall certify the amount of the deficiency to the common council and assessors, and the common council and assessors shall forthwith cause to be assessed and levied the amount of such deficiency pro rata upon the property included within the original assessment and the same shall be assessed, levied and collected in like manner as other assessments of a like character.

## TITLE XVIII.

### SUPERVISORS.

Section 405. Supervisor districts.

406. Supervisors; general powers and duties.

407. List of trial jurors.

408. Supervisors continued.

§ 405. **Supervisor districts.** There shall be three supervisor districts in the city. The first district shall be composed of the second, fourth and seventh wards of the city; the second district of the

fifth, sixth and eighth wards; and the third district of the first, third and ninth wards of said city.

§ 406. **Supervisors; general powers and duties.** The supervisors shall have the same powers and duties as the supervisors in the towns of the county of Rensselaer except as otherwise provided by this act; and shall be members of the board of supervisors of the county of Rensselaer.

§ 407. **List of trial jurors.** The city of Rensselaer shall be considered a town for the purpose specified in article sixteen of the judiciary law respecting the selecting, drawing and procuring of jurors, and the supervisors and assessors of said city shall execute the duties of supervisors, town clerk and assessors of a town as prescribed by said article, and a list of jurors selected by them shall also be filed in the office of the clerk of the city to serve as trial jurors in the city court of said city.

§ 408. **Supervisors continued.** The supervisors of the city from the respective districts shall, until the expiration of the term of office for which they were elected, continue to represent their respective districts as they existed prior to the passage of this act.

## TITLE XIX.

### COMMISSIONERS OF DEEDS.

#### Section 410. Commissioners of deeds, powers.

§ 410. **Commissioners of deeds, powers.** Commissioners of deeds shall be appointed by the common council, and shall hold office for the term of two years from the date of their appointment, or until others are appointed in their places. A vacancy occurring during the term for which any commissioner shall be appointed shall be filled by the common council. The common council shall, at the end of every even numbered year, by resolution determine the number of commissioners of deeds to be appointed for the city. Such commissioners of deeds may be appointed by the common council by resolution, and the city clerk shall immediately after such appointment file a certificate thereof with the county clerk of Rensselaer county, specifying the term for which the said commissioners of deeds shall have been appointed; the county clerk shall thereupon notify such persons of their appointment, and such persons so appointed shall qualify by taking the oath of office before such county clerk within ten days after the giving of such notice; and the county clerk shall



demand and receive the sum of one dollar for each person so qualifying. Commissioners of deeds shall have power to take proof and acknowledgment of all written instruments.

## TITLE XX.

### EXAMINING BOARD OF PLUMBERS.

Section 414. Examining board of plumbers, compensation.

§ 414. **Examining board of plumbers, compensation.** The existing examining board of plumbers is continued. Said board shall continue to consist of five persons to be appointed by the mayor, two of whom shall be employing or master plumbers of not less than ten years' experience in the business of plumbing, one of whom shall be a journeyman plumber of like experience, and the inspector of plumbing and the city engineer. The master and journeyman plumbers serving as members of such board shall each be paid an annual salary of twenty-five dollars. The examining board of plumbers shall have the powers and perform the duties prescribed by provisions of the general city law for examining boards of plumbers. The common council shall provide suitable quarters for the transaction of business, and books and stationery. The board of examining plumbers shall have power to appoint such clerks at such salaries as the board of estimate and apportionment shall prescribe. The expenses incurred by said board in the execution and performance of their duties shall be audited and paid by the common council.

## TITLE XXI.

### MUNICIPAL CIVIL SERVICE COMMISSION.

Section 418. Municipal civil service commission.

419. Secretary, subordinates.

§ 418. **Municipal civil service commission.** The municipal civil service commission is constituted as may be prescribed by law, and it must annually elect one of its members president thereof, and it has the powers and must perform the duties which may be conferred and imposed upon it by or pursuant to law.

§ 419. **Secretary, subordinates.** The secretary of the municipal civil service commission is to be appointed and designated by the mayor at a salary to be fixed by the board of estimate and



apportionment, at not less than one hundred dollars per annum, and he must perform such duties as may be imposed upon him by the commission or by law. The municipal civil service commission has power to appoint such subordinates as may be prescribed by the board of estimate and apportionment.

## TITLE XXII.

### CITY DEVELOPMENT COMMISSION.

#### Section 422. City development commission.

§ 422. **City development commission.** The mayor shall appoint a commission, to be known as the city development commission, consisting of such landscape architects, civil engineers and other persons as he may select, the members whereof shall not exceed ten and shall serve without compensation and shall act in conjunction with the board of estimate and apportionment in devising, formulating and advocating plans for the comprehensive development and improvement of the city streets, parks and public places.

## TITLE XXIII.

### MISCELLANEOUS.

#### Section 426. Reading of charter in evidence.

427. Inhabitants not incompetent.

428. No disqualification as judge or juror because of residence in city.

429. Ordinance and regulations continued.

430. Officers continued.

431. Offices and boards abolished, effect of.

432. Cost of preparing act a city charge.

433. Construction of act.

434. Saving clause.

435. Acts repealed.

436. Effect of repeal.

437. Time when this act takes effect.

§ 426. **Reading of charter in evidence.** The charter of the city of Rensselaer may be read in evidence from the volume containing such charter, printed by authority of the common council, or from a copy certified by the city clerk, or from the session laws of the state of New York containing the same.

§ 427. **Inhabitants not incompetent.** Upon the trial of any issue or the prosecution of any proceeding, or upon the taking or making of any inquisition, appraisal or award, or upon the judicial investigation of any facts whatever or in any action or proceeding in any court or before any judge, to which issue, proceeding, inquest, investigation, award or action the city or its commissions or officers or any of them is a party, or in any way interested, no person is to be deemed incompetent as a judge, referee, commissioner, appraiser, arbitrator, witness or juror by reason of his being an inhabitant, freeholder or taxpayer of the city.

§ 428. **No disqualification as judge or juror because of residence in city.** No person shall be disqualified from acting as judge, juror or justice by reason of being an inhabitant or freeholder in the city of Rensselaer in any action or proceeding in which the city is a party or interested.

§ 429. **Ordinances and regulations continued.** As soon as practicable the common council shall revise all ordinances of the city and adopt all ordinances necessary for the carrying into effect of the provisions and purposes of this act. All ordinances of the common council, rules and regulations governing or regulating the several commissions, not inconsistent with the provisions of this act, shall remain in force and are not to be deemed repealed by the enactment hereof.

§ 430. **Offices continued.** All elective officers whose successors are by this act required to be elected and the members of the examining board of plumbers shall continue to hold their respective offices until the expiration of the terms for which they were elected or appointed. The officers who were elected at the last preceding general election, whose successors under this act are to be appointed, shall continue to hold and perform the duties of their respective offices as prescribed by this act and be subject to removal therefrom as though they were originally appointed to said office under the provisions of this act.

§ 431. **Offices and boards abolished; effect of.** The terms of office of the three assessors, the corporation counsel, the city engineer, the superintendent of streets, the two commissioners of charities, the health officer, the chief and the first and second assistant chief engineers of the fire department, the chief of police, and sergeant of police, and sealer of weights and measures, in office at the time of the taking effect of this act, are hereby

terminated and their respective offices declared vacant. The offices of the five members of the board of education, of the clerk of the board of education, of the three police commissioners and five members of the board of health, are, with the several boards which they compose, hereby abolished. The powers which are conferred and the duties which are imposed upon the officer, board or department under any law or ordinance in force at the time of the taking effect of this act, whose office is abolished by this act, shall be exercised and discharged by the officer, commission or department upon which is imposed corresponding or like functions, powers and duties under and pursuant to the provisions of this act. The appointment to the offices and commissions prescribed and the vacancies created by this act shall be made in the manner and by the officers or commissions authorized to make same within ten days after this act takes effect.

The officers or boards whose terms of office are terminated or abolished shall continue to perform their duties until the appointment and qualification of the officers who, or the commissions which, by the provisions of this act are to perform their respective duties shall make a complete and final report to the common council as of the time of the termination or abolishment of their respective offices or boards, and pay over all funds and unexpended balances of appropriations in their hands, made for the use of said offices or boards, to the city treasurer. Such moneys shall be received by the treasurer and be deemed funds appropriated under the provisions of this act for the purposes and use of the officers and commissions whose duty or functions under this act correspond to or are similar to those of the officers or boards whose terms are terminated or abolished.

§ 432. **Cost of preparing act a city charge.** The expense of preparing this act for presentation to the legislature shall be and is a lawful charge against the said city of Rensselaer, and the common council of said city is hereby directed to audit and pay the same.

§ 433. **Construction of act.** This act shall not be construed as an act in derogation of the powers of the state, but as one intended to aid the state in the execution of its duties, by providing adequate powers of local government to the city of Rensselaer.

§ 434. **Saving clause.** Where any contract has been entered into by the city, prior to the taking effect of this act, or any bond or undertaking has been given to or in favor of the city, which

contains provisions that the same may be enforced by some officer, commission or department therein named, and by the provisions of this act such office, commission or department is abolished, such contract, bonds or undertakings shall not in any manner be impaired, but shall continue in full force, and the powers conferred and the duties imposed with reference to the same upon the officer, commission or department which has been abolished shall thereafter be exercised and discharged by the officer, commission or department upon whom or which is conferred or imposed like powers, functions or duties under this act.

§ 435. **Acts repealed.** All acts and parts of acts inconsistent herewith are repealed so far as they affect the city of Rensselaer, and the acts enumerated in the following schedule are repealed:

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter.
1897 .....	359
1898 .....	226
1901 .....294, all except section	259
1902 .....	92
1902 .....	446
1903 .....	56
1905 .....	580
1907 .....	308
1907 .....	309
1908 .....	258
1910 .....	596
1910 .....	597

Nothing herein contained, however, shall be deemed to repeal or in anywise affect the validity of the provisions of chapter five hundred twenty-nine of the laws of eighteen hundred ninety-eight, as amended by chapter three hundred thirty-two of the laws of nineteen hundred nine; of chapter three hundred six of the laws of eighteen hundred ninety-nine, as amended by chapter one hundred seventy-nine of the laws of nineteen hundred seven and by chapter three hundred three of the laws of nineteen hundred eight; of chapter six hundred seventy-one of the laws of nineteen hundred one; or of chapter three hundred fifty-eight of the laws of nineteen hundred five.

§ 436. **Effect of repeal.** The repeal of a law, or any part of it, by the provisions of this act shall not affect or impair the title or interest of the city to or in any property heretofore acquired by the city and owned by it at the time of the passage of this act, or any bonded or other indebtedness of the city of Rensselaer at the time of the taking effect of this act, or any act done or right accruing, accrued or acquired, or penalty, forfeiture or punishment, or any bar, limitation or defense incurred prior to the time when this act takes effect, under or by virtue of the law so repealed, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed, except as to bars, limitations and defenses which it is specifically provided herein may not be asserted or enforced against the city, its commissions or officers; and all actions or proceedings, civil or criminal, commenced under or by virtue of any law so repealed and pending when this act takes effect may be prosecuted and defended to final effect in the same manner as they might under any such law so repealed, unless it be otherwise specifically provided herein. Any limitation or bar imposed by any act repealed hereby shall be computed from the time the same began to run, and if the whole time thereof has been completed when this act takes effect, such bar or limitation shall become absolute, except as to bars, limitations and defenses which it is specifically provided herein may not be asserted or enforced against the city, its commissions or officers; but if the whole time thereof has not been completed, the time thereof which has run before the taking effect of this act shall be computed as a part of the time provided by this act as such limitation or bar. The repeal hereby of a law or part thereof does not revive a law repealed by the law or part thereof hereby repealed, and includes all laws amendatory of the laws repealed.

In effect  
after 5  
days.

§ 437. **Time when this act takes effect.** This act shall take effect five days after its passage.

## Chap. 482.

AN ACT to amend the banking law, in relation to the powers of the superintendent of banks.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight of chapter ten of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," as amended by chapter one hundred and four of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

L. 1909,  
ch. 10,  
§ 8, as  
amended  
by L. 1912,  
ch. 104,  
amended.

§ 8. **Powers of superintendent.** Every corporation and individual banker specified in section two of this chapter shall be subject to the inspection and supervision of the superintendent of banks. He shall, either personally or by some competent person or persons to be appointed by him, to be known as examiners, visit and examine every bank, trust company and individual banker at least twice in each year and every other corporation specified in section two of this chapter at least once in each year.

He shall have power in like manner to examine every individual banker and every corporation specified in section two at any time prior to its dissolution, whenever, in his judgment, its condition and management is or has been such as to render an examination of its affairs necessary and expedient. On every such examination, inquiry shall be made as to the condition and resources of the corporation, the mode of conducting and managing its affairs, the action of its directors, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with in the administration of its affairs; and as to such other matters as the superintendent may prescribe. The superintendent and every such examiner shall have power to administer an oath to any person whose testimony may be required on the examination of any corporation or individual banker specified in section two of this chapter, or on the examination of any agency of any foreign bank or banking corporation as hereinafter provided, and

to compel the appearance and attendance of any such person for the purpose of any such examination. Such examination may be made and such inquiry instituted or continued in the discretion of the superintendent of banks after he has taken possession of the property and business of any such corporation or individual banker under the provisions of section nineteen of this chapter until such corporation or individual banker shall resume business or the affairs of such corporation or individual banker shall be finally liquidated as therein provided. He shall also have power to examine or cause to be examined in like manner every agency located in this state of any foreign bank or banking corporation for the purpose of ascertaining whether it has violated any law of the state, and for such other purposes and as to such other matters as the superintendent may prescribe. If the examination shall be made by the superintendent, or by one or more of the regular clerks in the department, no charge shall be made except for necessary traveling and other actual expenses. The result of such examination of a savings bank shall be certified by the examiners, or one of them, upon the records of the corporation examined.

<sup>1</sup>Whenever it shall appear to the superintendent of banks that any corporation or individual banker to which this chapter is applicable does not keep its books and accounts in such manner as to enable him to readily ascertain the true condition of such bank, he shall have power to require the officers of such corporation or individual banker, or any of them, to open and keep such books or accounts as he may, in his discretion, determine and prescribe for the purpose of keeping accurate and convenient records of the transactions and accounts of such corporation or individual banker. Any such corporation or individual banker that refuses or neglects to open and keep any such books or accounts as may be prescribed by the superintendent of banks shall be subject to a penalty of one hundred dollars for each day it neglects or fails to open and keep such prescribed books and accounts. The superintendent, may, in his discretion, maintain an action in his name of office against any such corporation or individual banker for the recovery of any penalty incurred by such corporation or individual banker or any lawful assessment imposed upon such corporation or individual banker.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section new.



### Chap. 483.

AN ACT to amend the penal law, in relation to the issuance or circulation of false literature by insurance corporations.

Became a law May 8, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article one hundred and twelve of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section twelve hundred and three, to read as follows:

§ 1203. **Issue or circulation of false literature.** Any insurance corporation, or any officer, director or agent thereof who shall issue or circulate or cause or permit to be issued or circulated in this state any illustration, circular or statement indicating that such corporation can transact in this state any business of a character other than that which it is authorized to transact under the certificate of authority issued to it by the superintendent of insurance, shall be guilty of a misdemeanor, and the superintendent of insurance shall revoke the certificate of authority of the corporation or agent on a conviction for so offending.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

§ 1203  
added to  
L. 1909,  
ch. 88.

In effect  
Sept. 1,  
1913.

### Chap. 484.

AN ACT to amend the banking law, in relation to loans on mortgage by foreign banking corporations.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section thirty-three-a of chapter ten of the laws of nineteen hundred and nine, entitled "An act in relation to banks, individual bankers and corporations under the supervision of the banking department, constituting chapter two of the consolidated

L. 1909,  
ch. 10,  
§ 33a, as  
added by  
L. 1911,  
ch. 772,  
amended.

laws," which said section thirty-three-a was added by chapter seven hundred and seventy-two of the laws of nineteen hundred and eleven is hereby amended to read as follows:

§ 33-a. License to certain foreign banking corporations. No foreign banking corporation other than a national bank shall transact in this state the business of buying, selling, paying or collecting bills of exchange, or of issuing letters of credit or of receiving money for transmission or transmitting the same by draft, check, cable or otherwise, or of making sterling or other loans, or transact any part of such business, or shall maintain in this state any agency for carrying on such business or any part thereof, (a) unless said corporation shall have been authorized by its charter to carry on such business and shall comply with the laws of the state or country under which it is incorporated; (b) unless the actual value of the assets of said corporation shall be at least two hundred and fifty thousand dollars in excess of its liabilities; (c) unless said corporation shall comply with all of the provisions of this chapter and the requirements of law applicable to it, and (d) shall receive from the superintendent of banks a license authorizing it to transact within this state the business hereinbefore specified.

<sup>1</sup>This section shall not be construed to prohibit foreign banking corporations which do not maintain an office in this state for the transaction of business from making loans in this state secured by mortgages on real property, nor from accepting assignments of mortgages covering real property situated in this state.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section new.

## Chap. 485.

AN ACT to amend the code of civil procedure, in relation to extending to all courts the application of certain provisions affecting the method of pleading a judgment or other determination.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivisions three and four of section thirty-three hundred and forty-seven of the code of civil procedure are hereby amended, to read, respectively, as follows: § 2347.  
subds. 2, 4  
amended.

3. In chapter fifth, sections four hundred and forty-six, four hundred and forty-nine, four hundred and fifty, four hundred and fifty-four, four hundred and fifty-five, and four hundred and fifty-eight to four hundred and sixty-eight, both inclusive, and in chapter sixth, section five hundred and thirty-two,<sup>1</sup> apply to an action commenced, in any court of the state.<sup>2</sup>

4.<sup>3</sup> The remainder of chapters fifth, and sixth, apply only to an action commenced in a court of record.

§ 2. This act shall take effect September first, nineteen hundred and thirteen. In effect  
Sept. 1,  
1913.

## Chap. 486.

AN ACT to amend the code of civil procedure, in relation to foreclosure of mortgages.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-three hundred and eighty-seven of the code of civil procedure is hereby amended to read as follows: § 2387  
amended.

§ 2387. When mortgage may be foreclosed. A mortgage upon real property, situated within the state, containing therein a

<sup>1</sup> Words "and in chapter sixth, section five hundred and thirty-two," new.

<sup>2</sup> Remainder of subd. omitted which read: "on or after the first day of September, eighteen hundred and seventy-seven."

<sup>3</sup> Subd. 4 materially amended.

power to the mortgagee, or any other person, to sell the mortgaged property, upon default being made in a condition of the mortgage, may be foreclosed, in the manner prescribed in this title, where the following requisites concur:

1. Default has been made in a condition of the mortgage, whereby the power to sell has become operative.

2. An action has not been brought to recover the debt secured by the mortgage, or any part thereof; or, if such an action has been brought, it has been discontinued, or final judgment has been rendered therein against the plaintiff, or an execution, issued upon a judgment rendered therein in favor of the plaintiff has been returned wholly or partly unsatisfied.

3. The mortgage has been recorded in the proper book for recording mortgages, in the county wherein the property is situated.

4.<sup>1</sup> The first notice required by subdivision one of the next section is published within the time in which an action could be maintained to foreclose such mortgage.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

In effect  
Sept. 1,  
1913.

## Chap. 487.

AN ACT to amend the religious corporations law, in relation to free churches in communion with the Protestant Episcopal church.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article three of chapter fifty-three of the laws of nineteen hundred and nine, entitled "An act in relation to religious corporations, constituting chapter fifty-one of the consolidated laws," is hereby amended by adding at the end thereof a new section, to be section forty-seven, to read as follows:

§ 47. **Free churches in communion with the Protestant Episcopal church.** Whenever the trustees of any free church in communion with the Protestant Episcopal church heretofore or hereafter organized under the provisions of article nine of this act

§ 47  
added to  
L. 1909,  
ch. 53.

<sup>1</sup> Subd. 4 new.

shall desire to change the management of its affairs and the form of government of the corporation by substituting a vestry in place of such trustees, such change may be made in the following manner: The trustees of any free church having first obtained the written consent of the ecclesiastical authority of the diocese to such change may by an affirmative vote of not less than two-thirds determine by resolution reciting the consent of such ecclesiastical authority and duly recorded in the minutes of such church to change the management of its affairs by substituting a vestry in place of such trustees to manage the affairs of such corporation and free church with the same powers, duties and privileges as are now possessed and exercised by church wardens and vestrymen in churches of the Protestant Episcopal church organized under this article, but subject to the provisions of section one hundred and eighty-three of this chapter and for the purposes set forth in the certificate of incorporation of such free church and for no other purposes; such resolution shall fix the day of the week, commencing with the first Sunday in Advent, upon which the annual election shall be held, the number to constitute such vestry which shall be two church wardens and either three, six, nine, twelve, fifteen, twenty-one or twenty-four vestrymen as may be determined, and shall also designate the persons to be such church wardens and vestrymen to act until the annual election, and copies of such resolution, together with a statement of the vote of the trustees adopting the same certified under the seal of the corporation and verified by the president and secretary thereof, shall be filed in the office of the secretary of state and also in the office of the clerk of the county in which such church or corporation is located. Upon and after the filing of such certificates the church wardens and vestrymen named in said resolution and their successors in office, together with the rector when there shall thereafter be one, shall form the vestry and shall be the vestry and shall constitute the corporation; and at the first annual election the church wardens and vestrymen shall be divided into classes and their respective terms of office fixed and shall be elected by the persons qualified to vote for the church wardens and vestrymen in churches or congregations of the Protestant Episcopal church and the provisions of this article shall govern such election and all future elections and all acts of such vestry, subject to the provisions of section one hundred and eighty-three of this chapter.

§ 2. This act shall take effect immediately.

## Chap. 488.

### AN ACT to incorporate the Rockefeller foundation.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.	<p>Section 1. John D. Rockefeller, John D. Rockefeller, junior, Frederick T. Gates, Harry Pratt Judson, Simon Flexner, Starr J. Murphy, Jerome D. Greene, Wickliffe Rose and Charles O. Heydt, together with such persons as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of The Rockefeller Foundation, for the purpose of receiving and maintaining a fund or funds and applying the income and principal thereof to promote the well-being of mankind throughout the world. It shall be within the purposes of said corporation to use as means to that end research, publication, the establishment and maintenance of charitable, benevolent, religious, missionary, and public educational activities, agencies and institutions, and the aid of any such activities, agencies and institutions already established, and any other means and agencies which from time to time shall seem expedient to its members or trustees.</p>
Corporate name. Purposes.	
Powers as to property.	<p>§ 2. The corporation hereby formed shall have power to take and hold by bequest, devise, gift, purchase or lease, either absolutely or in trust for any of its purposes, any property, real or personal, without limitation as to amount or value, except such limitation, if any, as the legislature shall hereafter specifically impose; to convey such property, and to invest and reinvest any principal, and deal with and expend the income and principal of the corporation in such manner as in the judgment of the trustees will best promote its objects. It shall have all the power and be subject to all the restrictions which now pertain by law to membership corporations created by special law so far as the same are applicable thereto and are not inconsistent with the provisions of this act. The persons named in the first section of this act, or a majority of them, shall hold a meeting and organize the corporation and adopt a constitution and by-laws not inconsistent with the constitution and laws of this state. The constitution shall prescribe the manner of selection of members, the</p>
Application of laws relating to membership corporations.	
Organization; constitution; by-laws.	

number of members who shall constitute a quorum for the transaction of business at meetings of the corporation, the number of trustees by whom the business and affairs of the corporation shall be managed, the qualifications, powers, and the manner of selection of the trustees and officers of the corporation, the manner of amending the constitution and by-laws of the corporation, and any other provisions for the management and disposition of the property and regulation of the affairs of the corporation which may be deemed expedient.

§ 3. No officer, member or employee of this corporation shall receive or be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of its purposes, or as a proper beneficiary of its strictly charitable purposes. Compensation of officers, etc.

§ 4. This act shall take effect immediately.

## Chap. 489.

AN ACT to amend the decedent estate law, in relation to the distribution of personal property.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section ninety-eight of chapter eighteen of the laws of nineteen hundred and nine, entitled "An act relating to estates of deceased persons, constituting chapter thirteen of the consolidated laws," is hereby amended by inserting therein a new subdivision, to be subdivision fifteen-a, to read as follows: Subd. 15a added to L. 1909, ch. 18, § 98.

15-a. If there be no husband or wife surviving and no children, and no representatives of a child, and no next of kin, then the whole surplus shall be allotted to a surviving child of the husband or wife of the deceased, or if there be more than one, it shall be distributed equally among them. Distribution to children of husband or wife.

§ 2. Subdivision sixteen of such section of such chapter is hereby amended to read as follows: § 98, subd. 16 amended.

16. If there be no husband or wife surviving and no children, and no representatives of a child, and no next of kin, and no child Distribution to next of



kin of  
husband  
or wife.

or children of the husband or wife of the deceased,<sup>1</sup> then the whole surplus shall be distributed equally to and among the next of kin of the husband or wife of the deceased, as the case may be, and such next of kin shall be deemed next of kin of the deceased for all the purposes specified in this article or in chapter eighteen of the code of civil procedure; but such surplus shall not, and shall not be construed to, embrace any personal property except such as was received by the deceased from such husband or wife, as the case may be, by will or by virtue of the laws relating to the distribution of the personal property of the deceased person.

§ 3. This act shall take effect immediately.

## Chap. 490.

AN ACT to amend the domestic relations law, in relation to the solemnization of marriages.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 19,  
§ 11, as  
amended  
by L. 1911,  
ch. 610,  
and L. 1912,  
ch. 166,  
amended.

Section 1. Section eleven of chapter nineteen of the laws of nineteen hundred and nine, entitled "An act relating to the domestic relations, constituting chapter fourteen of the consolidated laws," as amended by chapter six hundred and ten of the laws of nineteen hundred and eleven, and by chapter one hundred and sixty-six of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 11. **By whom a marriage must be solemnized.** The marriage must be solemnized by either:

1. A clergyman or minister of any religion, or by the leader, or any of the three assistant leaders,<sup>1a</sup> of the Society for Ethical Culture<sup>2</sup> in the city of New York, having its principal office in the borough of Manhattan,<sup>3</sup> or by the leader of the Society for Ethical Culture in the borough of Brooklyn of the city of New York;

<sup>1</sup> Words "and no child or children of the husband or wife of the deceased" new.

<sup>1a</sup> Formerly read: "or either of the two assistant leaders."

<sup>2</sup> Words "in the borough of Manhattan," omitted.

<sup>3</sup> Words "having its principal office in the borough of Manhattan," new.

2. A mayor, recorder, alderman, city magistrate, police justice or police magistrate of a city, except that in cities which contain more than one hundred thousand and less than one million inhabitants, a marriage shall be solemnized by the mayor, or police justice, and by no other officer of such city, except as provided in subdivisions one and three of this section;

3. A justice or judge of a court of record, or of a municipal court, a police justice of a village, or a justice of the peace; except that justices of the peace in cities which contain more than one hundred thousand and less than one million inhabitants, shall have no power to solemnize marriages; or,

4. A written contract of marriage signed by both parties and at least two witnesses who shall subscribe the same, stating the place of residence of each of the parties and witnesses and the date and place of marriage, and acknowledged by the parties and witnesses in the manner required for the acknowledgment of a conveyance of real estate to entitle the same to be recorded, provided, however, that all of such contracts of marriage must in order to be valid be acknowledged before a judge of a court of record. Such contract shall be recorded within six months, after its execution in the office of the clerk of the county in which the marriage was solemnized.

The word "clergyman," when used in the following sections of this article, includes each person referred to in the first subdivision of this section. The word "magistrate," when so used, includes any person referred to in the second or third subdivision.

§ 2. This act shall take effect immediately.

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## Chap. 491.

AN ACT to amend the judiciary law, in relation to the compensation of stenographers of the supreme court.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and seven of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter

L. 1909,  
ch. 35,  
§ 307, as  
amended  
by L. 1911,  
ch. 543,

and L. 1912,  
ch. 173,  
amended.

thirty of the consolidated laws," as amended by chapter five hundred and forty-three of the laws of nineteen hundred and eleven and chapter one hundred and seventy-three of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 307. Compensation of stenographers or confidential clerks appointed by justices of appellate division. 1. The stenographers appointed by the justices of the appellate division of the first department for each part or term of the supreme court and for the appellate division pursuant to section one hundred and nine of this chapter shall receive an annual salary of three thousand six hundred<sup>1</sup> dollars, payable in equal monthly installments.

2. The compensation of each stenographer or confidential clerk appointed by the justices of the appellate division of the third and fourth departments shall not exceed eighteen hundred dollars a year to be paid by the comptroller of the state upon the certificate of the justice by whom he is employed.

§§ 313,  
316, as  
amended  
by L. 1910,  
ch. 180,  
amended.

§ 2. Sections three hundred and thirteen and three hundred and sixteen of such chapter, as amended by chapter one hundred and eighty of the laws of nineteen hundred and ten, are hereby amended to read, respectively, as follows:

§ 313. Salary of stenographers appointed by justices of supreme court for each judicial district except first and second. Each of the stenographers appointed by the justices of the supreme court pursuant to subdivisions one, four, six, seven and eight of section one hundred and sixty-one of this chapter shall receive an annual salary of three thousand six hundred<sup>1</sup> dollars, to be paid by the comptroller of the state in equal quarterly payments, upon the certificate of a justice of the supreme court of the judicial district for which he shall have been appointed. To provide the means to pay such salary, the comptroller of the state shall, on or before the first day of November in each year, fix and transmit to the clerk of the board of supervisors in each of the counties in said district a statement of the sum to be raised by such board of supervisors, in accordance with the amount of taxable real and personal property in each of said counties as shown by the last annual assessment-roll therein. The boards of supervisors in each of such counties shall annually levy and cause to be collected in such county and to be paid over to the county treasurer thereof, the sums fixed by the comptroller to be raised by such board of supervisors, and such county treasurer shall pay

<sup>1</sup> Words "six hundred" new.

such sum to the comptroller of the state for the payment of said salaries.

§ 316. Salary of stenographers appointed by justices of supreme court residing in the second judicial district. 1.<sup>2</sup> The stenographers appointed pursuant to section one hundred and sixty-one of this chapter, by the justices of the supreme court residing in the county of Kings, shall each receive an annual salary to be fixed by said justices, and the expense thereof shall be raised with the annual tax levy as a county charge.

2. Each stenographer appointed as prescribed in section one hundred and sixty-one of this chapter, by the justices of the supreme court for the second judicial district who do not reside in the county of Kings, shall receive an annual salary to be fixed by such justices not exceeding three thousand six hundred<sup>3</sup> dollars. To make up and pay the salaries specified in this subdivision, the board of supervisors of each of the counties in said district must annually levy, and cause to be collected, as a county charge, a proportionate part of the sum necessary to pay the same, to be fixed by the comptroller of the state, in accordance with the amount of the taxable real and personal property in each county, as shown by the last annual assessment-roll therein. The treasurer of each county must pay over the sum so raised, to the comptroller of the state, who must thereupon pay the salary of each stenographer, in equal quarterly payments, under the direction of the justice making the appointment.

§ 3. This act shall take effect immediately.

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## Chap. 492.

AN ACT to amend the labor law, in relation to the protection of employees in buildings in cities.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor,"

L. 1909,  
ch. 36,  
§ 20, as  
amended

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<sup>2</sup> Subd. 1 is amended by L. 1913, ch. 599, post.

<sup>3</sup> Words "six hundred" new.

by L. 1911,  
ch. 693,  
amended.

constituting chapter thirty-one of the consolidated laws," as amended by chapter six hundred and ninety-three of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 20. Protection of persons employed on buildings in cities.

All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material or brickwork, shall complete the flooring or filling in as the building progresses.<sup>1</sup> If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fire-proof material all contractors for <sup>2</sup>work, in the course of construction, shall lay the under-flooring thereof on each story as the building progresses.<sup>3</sup> Where double floors are not to be used, such contractor shall keep planked over the floors two stories below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in course of construction or the owners of such buildings shall thoroughly plank over the entire tier of iron or steel beams and extending not less than six feet beyond such beams<sup>4</sup> on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening. If a building in

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<sup>1</sup> Remainder of sentence omitted which read: "to not less than within three tiers of beams below that on which the iron work is being erected."

<sup>2</sup> Word "carpenter" omitted.

<sup>3</sup> Remainder of sentence omitted which read: "to not less than within two stories below the one to which such building has been erected."

<sup>4</sup> Words "and extending not less than six feet beyond such beams," new.

course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building. The chief officer, in any city, charged with the enforcement of the building laws of such city and the commissioner of labor are hereby charged with enforcing the provisions of this section and sections eighteen and nineteen, and said chief officer in any city charged with the enforcement of the building laws of such city shall have the same powers for the enforcement of these sections as are vested in the commissioner of labor.

§ 2. This act shall take effect immediately.

## Chap. 493.

AN ACT to amend the labor law, in relation to hours of labor in mercantile establishments.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and sixty-one of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter three hundred and eighty-seven of the laws of nineteen hundred and ten and chapter eight hundred and sixty-six of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

L. 1909,  
ch. 36,  
§ 161, as  
amended  
by L. 1910,  
ch. 387,  
and L. 1911,  
ch. 866,  
amended.

§ 161. Hours of labor of minors. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment-house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles more than six days or fifty-four hours in any one week, or more than nine hours in any one day, or before eight o'clock in the morning or after seven o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal

law. No female employee<sup>1</sup> shall be required, permitted or suffered to work in or in connection with any mercantile establishment in any second-class city more than fifty-four hours in any one week, and elsewhere<sup>2</sup> more than sixty hours in any one week; or more than nine hours in any one day in any second-class city; or elsewhere<sup>3</sup> more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after six o'clock in the evening of any day in any second class city, or elsewhere<sup>4</sup> after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday, provided the total number of hours of labor in a week of any such person does not exceed fifty-four hours in any second-class city or elsewhere sixty hours, nor to the employment of persons during the five days preceding the twenty-fifth day of December in any second-class city, or elsewhere<sup>5</sup> between the eighteenth day of December and the following twenty-fourth day of December, both inclusive. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening.

In effect  
Oct. 1, 1912.

§ 2. This act shall take effect October first, nineteen hundred and thirteen.

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<sup>1</sup> Words "between sixteen and twenty-one years of age," omitted.

<sup>2</sup> Words "in any second-class city more than fifty-four hours in any one week, and elsewhere," new.

<sup>3</sup> Words "more than nine hours in any one day in any second-class city; or elsewhere," new.

<sup>4</sup> Words "after six o'clock in the evening of any day in any second class city, or elsewhere," new.

<sup>5</sup> Words "on Saturday, provided the total number of hours of labor in a week of any such person does not exceed fifty-four hours in any second-class city or elsewhere sixty hours, nor to the employment of persons during the five days preceding the twenty-fifth day of December in any second-class city, or elsewhere," new.



## Chap. 494.

AN ACT to amend the labor law, in relation to mechanics working in state institutions.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," as amended by chapter two hundred and ninety-two of the laws of nineteen hundred and nine,<sup>1</sup> is hereby amended to read as follows:

L. 1909,  
ch. 36,  
§ 3, as  
amended  
by L. 1909,  
ch. 292,  
amended.

§ 3. Hours to constitute a day's work. Eight hours shall constitute a legal day's work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for overwork at an increased compensation except upon work by or for the state or a municipal corporation, or by contractors or subcontractors therewith. Each contract to which the state or a municipal corporation or a commission appointed pursuant to law is a party which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day's work as hereinbefore defined to all classes of such laborers, workmen or mechanics upon all such public works, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the state where such public work on, about or in connection with which

<sup>1</sup> Section 3 was also amended by L. 1913, ch. 467, ante. The amendments effected by said ch. 467 are not incorporated in § 3 as here amended. "Chapter 494 by implication repeals Chapter 467 the effect being that the amendment provided for by Chapter 467 is not in force since Chapter 494 became a law." Opinion of attorney-general, dated June 3, 1913.

such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, subcontractor or other person on, about or upon such public work, shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the state or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract, which in its form or manner of performance violates the provisions of this section, but nothing in this section shall be construed to apply to stationary firemen in state hospitals nor to other persons regularly employed in state institutions, except mechanics,<sup>2</sup> nor<sup>3</sup> shall it apply<sup>4</sup> to engineers, electricians and elevator men in the department of public buildings during the annual session of the legislature, nor to the construction, maintenance and repair of highways outside the limits of cities and villages.

§ 2. This act shall take effect immediately.

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## Chap. 495.

AN ACT to amend the transportation corporations law, in relation to stage coach lines.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 25 added  
to L. 1909,  
ch. 219.

Section 1. Article four of chapter two hundred and nineteen of the laws of nineteen hundred and nine, entitled "An act in relation to transportation corporations, excepting railroads, constituting chapter sixty-three of the consolidated laws," is hereby

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<sup>2</sup> Words "except mechanics" new.

<sup>3</sup> Word "nor" substituted for word "or."

<sup>4</sup> Words "shall it apply" new.

amended by adding thereto at the end thereof, a new section, to be section twenty-five, to read as follows:

§ 25. **Additional persons and corporations subject to the public service commissions law.** Any person or any corporation who or which owns or operates a stage route or bus line wholly or partly upon and along a highway known as a state route or any road or highway constructed wholly or partly at the expense of the state or in, upon or along any highway, avenue or public place in any city of the first class having a population of seven hundred and fifty thousand or under, shall be deemed to be included within the meaning of the term "common carrier" as used in the public service commissions law, and shall be required to obtain a certificate of convenience and necessity for the operation of the route proposed to be operated, and shall be subject to all the provisions of the said law applicable to common carriers. Wherever the portion of such route, road or highway upon which such bus line or stage route is or shall be operated shall have been constructed partly at the expense of a railroad corporation, or street railroad corporation, it shall be the duty of the state highway commission to certify to the public service commission of the proper district a statement of the total sum contributed by such railroad or street railroad corporation for the purposes of such construction, and the public service commission may, in its discretion, require such person or corporation operating a bus line or stage route to contribute to the fund for maintenance of state and county highways within the county in which such bus line or stage route is operated a sum equal to five per centum of the sum paid by such railroad or street railroad corporation for construction, as a condition for further operating such bus line or stage route.

§ 2. This act shall take effect immediately.

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## Chap. 496.

AN ACT to amend the town law, in relation to licensing public vehicles and entertainments.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and fifteen of chapter sixty-three of the laws of nineteen hundred and nine, entitled "An act

L. 1909,  
ch. 63,  
§ 215  
amended.

relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended to read as follows:

§ 215. Town board may license and regulate public hacks and entertainments. The supervisor, justice of the peace and town clerk of any town<sup>1</sup> are hereby authorized and empowered to license and regulate all public hacks, vehicles, venders, shows, concerts, public amusements, merry-go-rounds, carousals, toboggan slides, ferris wheels, rope dancing, loop-the-loop, public gardens, tragedy, comedy, opera, ballet, play, farce, minstrelsy or dancing, or any other entertainment of the stage, or any part or parts thereof, or any equestrian, circus or dramatic performance, or any performance of jugglers or acrobats in such town outside of an incorporated city or village, and to fix the fee to be paid for the persons so licensed to said officers, which money so collected shall be paid over to the supervisor of such town within thirty days after the receipt of the same, and the said supervisor shall,<sup>2</sup> after deducting the necessary expenses for carrying out the provisions of this article, place the same in the general town fund.<sup>3</sup>

§ 2. This act shall take effect immediately.

## Chap. 497.

AN ACT to amend the railroad law, in relation to coal jimmies and caboose cars.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventy-eight of chapter four hundred and eighty-one of the laws of nineteen hundred and ten, entitled "An act in relation to railroads, constituting chapter forty-nine of the consolidated laws," is hereby amended to read as follows:

§ 78. Coal jimmies and caboose cars.<sup>1a</sup> The use of cars known and designated as "coal jimmies" in any form and the use of

L. 1910,  
ch. 481,  
§ 78  
amended.

<sup>1</sup> Words "having a population, as shown by the last federal or state enumeration, of more than three thousand inhabitants residing outside of an incorporated city or village," omitted.

<sup>2</sup> Words "pay the same over to the commissioners of highways of such town, to be applied to the necessary repairs of the roads and highways of such town," omitted.

<sup>3</sup> Words "place the same in the general town fund," new.

<sup>1a</sup> Words "and caboose cars" new.

any car as a caboose unless it shall have a suitable and safe platform at each end thereof, and the usual railing for the protection of persons using such platform, shall be unlawful within the state, except upon any railroad whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile. This section shall not be construed to authorize the interchange of such "coal jimmies" with, and the use thereof upon, railroads of more than fifteen miles in length or whose average grade is less than two hundred feet to the mile.

<sup>2</sup>From and after the first day of July, nineteen hundred and twenty, it shall be unlawful for any corporation or individual to man, equip, or to use within the state on any railroad a caboose car, or car to serve the purpose of a caboose car, which shall be less than twenty-four feet in length exclusive of the platform, or which shall have a center constructive strength less than that of the fifty ton freight cars built according to master car builders' standards. Such caboose or other equivalent car shall be constructed with steel center sills with two four-wheel trucks; with each platform not less than twenty-four inches wide, with proper guard rails, grab irons and steps, which shall be equipped with a suitable rod, board or other guard designed to prevent slipping from the car step. Each such car shall have a door at each end and shall be equipped with four separate sleeping berths not less than six feet and two inches in length. Each such car shall contain a properly furnished toilet room, sink, ice box, water cooler, clothing lockers, and with a cupola of sufficient size to accommodate at least two men. Whenever any caboose or other car used for like purpose now in use by any such railroad company shall, after this act goes into effect, be brought into any shop for general repairs it shall be unlawful to again put the same into use within this state, as a caboose or other car used for like purpose unless it be equipped as provided in this act.

This section shall not apply to cabooses or other equivalent cars used in the switching service or on trains operated wholly within twenty-five miles of yard limits.

Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than five hundred dollars for each separate offense. This penalty is in addition to that provided for in section eighty-one of this chapter.

§ 2. This act shall take effect immediately.

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<sup>2</sup> Remainder of section new.

## Chap. 498.

**AN ACT** to amend the public health law, relative to the practice of optometry.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 49,  
§ 307  
amended.

Section 1. Section three hundred and seven of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to public health, constituting chapter forty-five of the consolidated laws," is hereby amended to read as follows:

§ 307. **Violations of article.** No person not a holder of a certificate of registration or exemption duly issued to him and recorded as above provided shall after January first, nineteen hundred and nine, practice optometry within this state. No person shall falsely personate a registered optometrist of a like or different name, nor buy, sell or fraudulently obtain a certificate of registration or exemption issued to another. Practicing or offering to practice optometry, or the public representation of being qualified to practice the same by any person not authorized to practice optometry, shall be sufficient evidence of a violation of this article. <sup>1</sup>No person practising or offering to practice optometry shall publicly represent himself to be a doctor, or shall assume the title of doctor or use such title or any abbreviation thereof in his practice, unless the right to use the same has been conferred upon him by some duly authorized college or university, prior to the taking effect of this act. Any violation of the provisions of this article shall be a misdemeanor and courts of special sessions shall have jurisdiction of all such violations.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Following sentence new.

## Chap. 499.

AN ACT to amend the public health law, in relation to the practice of chiropody.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and seventy-one of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," as amended by chapter one hundred and ninety-nine of the laws of nineteen hundred and twelve, is hereby amended to read as follows:<sup>1</sup>

L. 1909,  
ch. 49,  
§ 271, as  
amended by  
L. 1912,  
ch. 199,  
amended.

§ 271. **Eligibility to practice without examination.** All chiropodists practicing as such within the state of New York, on or before the third day of June, eighteen hundred and ninety-five, may, upon application to the regents of the university of the state of New York, and upon offering evidence satisfactory to said regents, receive from them a certificate which shall entitle the person to whom it is issued to practice chiropody within this state, provided that said certificate be filed with the county clerk of the county in which such person desires to practice chiropody, and provided further that application for such certificate be made to the regents of the university of the state of New York on or before January first, nineteen hundred and fourteen.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Section materially amended.



## Chap. 500.

**AN ACT** to amend the penal law, in relation to transactions by brokers after insolvency and in the hypothecation of customers' securities.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§§ 955, 956  
added to  
L. 1909,  
ch. 88.

Section 1. Article eighty-six of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding at the end thereof two new sections, to be sections nine hundred and fifty-five and nine hundred and fifty-six, to read as follows:

§ 955. **Transactions by brokers after insolvency.** A person engaged in the business of purchasing and selling as broker, stocks, bonds or other evidences of debt of corporations, companies or associations who, knowing that he is insolvent, accepts or receives from a customer ignorant of such broker's insolvency, money, stocks, bonds or other evidences of debt belonging to the customer otherwise than in liquidation \*or, or as security for, an existing indebtedness, and who thereby causes the customer to lose in whole or in part such money, stocks, bonds or other evidences of debt, is guilty of a felony punishable by a fine of not more than five thousand dollars or by imprisonment for not more than two years, or by both. A person shall be deemed insolvent within the meaning of this section whenever the aggregate of his property shall not, at a fair valuation, be sufficient in amount to pay his debts.

§ 956. **Hypothecation of customers' securities.** A person engaged in the business of purchasing and selling as a broker stocks, bonds or other evidences of debt of corporations, companies or associations, who

1. Having in his possession, for safe keeping or otherwise, stocks, bonds or other evidences of debt of a corporation, company or association belonging to a customer, without having any lien thereon or any special property therein, pledges or disposes thereof without such customer's consent; or

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\* So in original.

2. Having in his possession stocks, bonds or other evidences of debt of a corporation, company or association belonging to a customer on which he has a lien for indebtedness due to him by the customer, pledges the same for more than the amount due to him thereon, or otherwise disposes thereof for his own benefit, without the customer's consent, and without having in his possession or subject to his control, stocks, bonds or other evidences of debt of the kind and amount to which the customer is then entitled, for delivery to him upon his demand therefor and tender of the amount due thereon, and thereby causes the customer to lose, in whole or in part, such stocks, bonds or other evidences of debt, or the value thereof,

Is guilty of a felony, punishable by a fine of not more than five thousand dollars or by imprisonment for not more than two years, or by both.

Every member of a firm of brokers, who either does, or consents or assents to the doing of any act which by the provisions of this or the last preceding section is made a felony, shall be guilty thereof.

§ 2. This act shall take effect immediately.

## Chap. 501.

AN ACT to amend the prison law, in relation to the Bertillon system.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-one of chapter forty-seven of the laws of nineteen hundred and nine, entitled "An act relating to prisons, constituting chapter forty-three of the consolidated laws," as amended by chapter one hundred and six of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 21. Bertillon and finger print system. The superintendent of state prisons shall cause the prisoners in the state prisons to be measured and described in accordance with the system commonly known as the Bertillon method for identification of crim-

L. 1909,  
ch. 47,  
§ 21, as  
amended  
by L. 1912,  
ch. 106,  
amended.

inals, <sup>1</sup>and to have impressions made of the fingers and thumbs of such prisoners. The said superintendent shall cause such measurements and impressions to be made by a person or persons in official service of the state, in conformity with the system now in use in the prison department of this state,<sup>2</sup> and shall prescribe rules and regulations for keeping accurate records of such measurements and impressions<sup>3</sup> at such prisons and in duplicate at his office in Albany and for classifying and indexing the same. It shall also be the duty of the officials having charge of the New York state reformatory at Elmira, and the Eastern New York reformatory at Napanoch, and of the penitentiaries in which prisoners shall be confined, or shall be hereafter received under sentence for felony<sup>4</sup> to cause said prisoners and such other classes of prisoners received under sentence for misdemeanors as the superintendent of state prisons may direct<sup>5</sup> to be measured and described in accordance with said Bertillon system, and the finger print impressions of such prisoners made,<sup>6</sup> by such person or persons in the official service of the state or of any such county or institution as may be designated by the superintendent of state prisons for the purpose, which measurements and impressions<sup>3</sup> shall be made according to the rules and methods prescribed by the superintendent of state prisons. And it shall be the duty of the officials in charge of such reformatories and penitentiaries to cause duplicate records of such measurements and impressions<sup>3</sup> to be transmitted to the superintendent of state prisons to be by him indexed and classified according to said Bertillon and finger print<sup>7</sup> system. <sup>8</sup>If at any time the files in which the records herein provided for are filed become congested, the superintendent of state prisons may remove from the active files the records of such number of misdemeanants convicted of minor offenses as he may deem necessary.

The superintendent of state prisons is also authorized to file, index and classify Bertillon descriptive cards and finger prints<sup>9</sup> received from other sources. The necessary expenses incurred by

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<sup>1</sup> Remainder of sentence new.

<sup>2</sup> Words "in conformity with the system . . . of this state," new.

<sup>3</sup> Words "and impressions" new.

<sup>4</sup> Words "for felony" substituted for words "of thirty days or more."

<sup>5</sup> Words "and such other classes . . . may direct," new.

<sup>6</sup> Words "and the finger print impressions of such prisoners made," new.

<sup>7</sup> Words "and finger print" new.

<sup>8</sup> Following sentence new.

<sup>9</sup> Words "and finger prints" new.

the superintendent of state prisons in indexing and classifying prisoners, as provided in this section, shall, unless otherwise provided, be payable by the treasurer from the moneys appropriated for the maintenance and support of the several state prisons, on the warrant of the comptroller, and on bills approved by the superintendent of state prisons, but such expenses shall not exceed ten thousand dollars<sup>10</sup> per year.

§ 2. This act shall take effect immediately.

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## Chap. 502.

AN ACT to amend the tax law, in relation to the salary of the state board of tax commissioners.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and seventy of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 62,  
§ 170  
amended.

§ 170. State board of tax commissioners. The tax commissioners now in office shall continue in office for the terms for which they were appointed, and they and their successors shall constitute the state board of tax commissioners. On the expiration of their terms the governor shall appoint three commissioners by and with the advice and consent of the senate, to hold office for three years, and so classified that the term of office of one of them shall expire with the thirty-first day of December in each year, and in case of a vacancy the appointment shall be for the unexpired term. Each commissioner shall receive an annual compensation of six thousand dollars,<sup>1</sup> and in addition thereto the expenses actually incurred by him in the discharge of his official duties, including expenses while attending all<sup>2</sup> meetings of the commission.

§ 2. This act shall take effect immediately.

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<sup>10</sup> Formerly "seven thousand dollars."

<sup>1</sup> Formerly "five thousand dollars." Words "payable monthly" omitted.

<sup>2</sup> Word "all" new.

## Chap. 503.

AN ACT to amend the general business law and the penal law, in relation to the manufacture and sale of mattresses.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 392a  
added to  
L. 1909,  
ch. 25.

Section 1. Article twenty-six of chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by inserting therein, after section three hundred and ninety-two, a new section to be section three hundred and ninety-two-a, to read as follows:

§ 392-a. **Marking mattresses.** No person shall manufacture, sell, offer or expose for sale, deliver or have in his possession with intent to sell or deliver in this state any mattresses, pillow, cushion, muff bed, down quilt or bag containing hair, down or feathers unless the same be branded or labeled as follows: Upon each such mattress, pillow, cushion, muff bed, down quilt or bag there shall be securely fixed a banneret, paper or cloth tag which, if attached to the article itself, shall be sewed thereon upon which there shall be legibly printed in the English language a statement of the kind of material used in the manufacture of such mattress, pillow, cushion, muff bed or down quilt, and, if the material used in such mattress, pillow, cushion, muff bed or down quilt has been previously used in the manufacture of such articles, or about the person, it shall be branded second-hand. If such mattress, pillow, cushion, muff bed, quilt or bag be enclosed in a bale, box or crate, the receptacle shall bear a tag stating that the contents of the package is branded or labeled as required by this section. It shall be unlawful for any person to remove, conceal or deface any such brand or label. No person shall use, either in whole or in part, in the manufacture of any mattress, pillow, cushion or muff bed, down quilt, or bag, any material which has been used in or has formed a part of any mattress, pillow, cushion, muff bed, down quilt or bag used in or about a public or private hospital or in or about any person having an infectious or contagious disease. If on inspection the commissioner of labor shall

find in any factory, or other places, materials for the manufacture of mattresses, pillows, muff beds, down quilts or bags, or if he shall find such mattresses, pillows, cushions, muff beds, down quilts or bags offered or intended for sale, the materials for making of which are made of materials that have been used in a hospital or by persons having an infectious or contagious disease, he shall, after first making and filing in the public records of his office a written order stating the reason therefor, at once and without further notice order the removal and destruction of such mattresses, pillows, cushions, muff beds, down quilts or bags, or of the materials intended for the manufacture of such mattresses, pillows, cushions, muff beds, down quilts or bags and affix to such mattresses, pillows, cushions, muff beds, down quilts or bags, or materials, labels or conspicuous sign bearing the word "unclean." No one but the commissioner of labor shall remove any such label or sign and he may refuse to remove it until such factory or other place be properly cleaned and disinfected. It shall be the duty of the state commissioner of labor whenever he has reason to believe that any person is violating or has violated any of the provisions of this section to cause an investigation to be made and for that purpose he or his duly accredited representative shall have authority at all reasonable times to enter into any building, or other place, where such business is being conducted for the purpose of making such examination, and if evidence of such violation is obtained, shall place before the attorney-general any information he may have in relation thereto. The attorney-general shall thereupon, or the district attorney of the county in which the alleged violation occurs, if so directed by the attorney-general, institute the proper legal proceedings for the punishment of any such violation. The commissioner of labor may in a proper case through the attorney-general sue for and obtain an injunction restraining any person from manufacturing or selling an article in violation of this section. Any person who shall violate the provisions of this section shall be liable to a penalty of fifty dollars for each violation thereof, which penalties shall be cumulative and may be recovered by the attorney-general and more than one penalty may be included in the same action.

§ 2. Article forty of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding at the end thereof a new

§ 444 added  
to L. 1909,  
ch. 88.

section to be section four hundred and forty-four<sup>1</sup> to read as follows:

§ 444. **Manufacture and sale of mattresses.** Any person who  
1. Manufactures, sells, offers for sale or possesses with intent to sell any mattress not properly branded or labeled, as required by the general business law, or

2. Manufactures, sells, offers for sale or possesses with intent to sell any mattress which is falsely branded or labeled, or

3. Uses in the manufacture of mattresses any cotton or other material which has been used as a mattress, pillow or bedding in any public or private hospital, or which has been used by any person having an infectious or contagious disease, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both.

In effect  
Jan. 1,  
1914.

§ 3. This act shall take effect January first, nineteen hundred and fourteen.

## Chap. 504.

**AN ACT** to amend the public service commissions law, in relation to standards for the measurement of the heating power of gas.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1910,  
ch. 480,  
§ 66,  
subd. 3  
amended.

Section 1. Subdivision three of section sixty-six of chapter four hundred and eighty of the laws of nineteen hundred and ten, entitled "An act in relation to public service commissions, constituting chapter forty-eight of the consolidated laws," is hereby amended to read as follows:

Power of  
commission  
to pre-  
scribe  
standards  
for gas and  
to require  
efficiency  
of electric  
supply  
systems.

3. Have power by order to fix from time to time standards for the measurement of the purity<sup>1a</sup> of gas and for the measurement of the illuminating power of gas and for the measurement of the heating power<sup>2</sup> of gas to be manufactured, distributed or sold by persons, corporations or municipalities for lighting, heat-

<sup>1</sup> A different § 444 was added by L. 1913, ch. 477, ante.

<sup>1a</sup> Words "or illuminating power," omitted.

<sup>2</sup> Words "of gas and for the measurement of the illuminating power of gas and for the measurement of the heating power," new.



ing or power purposes, notwithstanding that another standard for the measurement of any thereof may have been fixed by statute<sup>3</sup> and to prescribe from time to time the efficiency of the electric supply system, of the current supplied and of the lamps furnished by the persons, corporations or municipalities generating and selling electric current, and by order to require the gas so manufactured, distributed or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons, corporations or municipalities. For the purpose of determining whether the gas manufactured, distributed or sold by such persons, corporations or municipalities for lighting, heating or power purposes conforms to the standards of illuminating power, heating power,<sup>4</sup> purity and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied and of the lamps furnished conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying gas or electricity, and shall have access through its members or persons employed and authorized by it to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission or distribution of gas or electricity by any such person, corporation or municipality. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

Gas  
pressure.Investiga-  
tion of  
plants.Misdemeanor for  
employee of  
commission  
to divulge  
informa-  
tion.

§ 2. All acts and parts of acts, general or special, inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

<sup>3</sup> Words "notwithstanding that another standard for the measurement of any thereof may have been fixed by statute," new.

<sup>4</sup> Words "heating power" new.

## Chap. 505.

AN ACT to amend the public service commissions law, in relation to steam heating corporations.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Subds. 21,  
22 added  
to L. 1910,  
ch. 480,  
§ 2.

Section 1. Section two of chapter four hundred and eighty of the laws of nineteen hundred and ten, entitled "An act in relation to public service commissions, constituting chapter forty-eight of the consolidated laws," as amended by chapter six hundred and seventy-three of the laws of nineteen hundred and ten, is hereby amended by adding after subdivision twenty, two new subdivisions, to be subdivisions twenty-one<sup>1</sup> and twenty-two thereof, to read as follows:

Steam  
plant  
defined.

21. The term "steam plant," when used in this chapter, includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of steam for heat or power.

Steam  
corporation  
defined.

22. The term "steam corporation," when used in this chapter, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever owning, operating or managing any steam plant, except where steam is made or produced and distributed by the maker, on or through private property solely for the maker's own use or the use of the maker's tenant and not for sale to others.

Subd. h  
added to  
§ 5,  
subd. 1.

§ 2. Subdivision one of section five of said chapter, as amended by chapter six hundred and seventy-three of the laws of nineteen hundred and ten, is hereby amended by adding to subdivision one thereof a new subdivision designated h, which shall read as follows:

Jurisdic-  
tion of  
commission.

h. To the manufacture, holding, distribution, transmission, sale or furnishing of steam for heat or power in the first district, to steam plants therein and to the persons or corporations owning, leasing or operating the same.

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<sup>1</sup> A different subd. 21 is added by L. 1913, ch. 506, post.

§ 3. Such chapter is hereby amended by adding after article four, a new article, to be article four-a, to read as follows: Art. 4a  
added.

#### ARTICLE 4-A.

#### PROVISIONS RELATING TO STEAM CORPORATIONS; REGULATING PRICE OF STEAM.

Section 78. Application of article.

- 79. Adequate service; just and reasonable charges; unjust discrimination and unreasonable preference.
- 80. General powers of commissions in respect to steam heating.
- 81. Approval of incorporation and franchises; certificate.
- 82.<sup>2</sup> Approval of issues of stock, bonds and other forms of indebtedness.
- 83. Approval of transfer of franchise.
- 84. Complaints as to service and price of steam heat; investigation by commission; forms of complaints.
- 85. Notice and hearing; order fixing price of steam \*heat, or requiring improvement.
- 86. Forfeiture for noncompliance with order.
- 87. Summary proceedings.
- 88. Defense in case of excessive charges for steam heat.
- 89. Powers of local officers.
- 89-a. Jurisdiction.

§ 78. Application of article. This article shall apply to the manufacture, holding, distributing and furnishing of steam for heat or power.

§ 79. Adequate service; just and reasonable charges; unjust discrimination and unreasonable preference. 1. Every steam corporation shall furnish and provide such service, instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. All charges made or demanded by any such corporation for such service rendered or to be rendered shall be just and reasonable and not more than allowed by order of the commission having jurisdiction. Every unjust or un-

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\* So in original.

<sup>2</sup> Section 82a omitted from schedule.

- reasonable charge made or demanded for such service, or in connection therewith or in excess of that allowed by law or by the commission is prohibited.

2. No such corporation shall directly or indirectly by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for such service rendered or to be rendered or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions.

3. No such corporation shall make or grant any undue or unreasonable preference or advantage to any person, corporation or locality, or to any particular description of service in any respect whatsoever, or subject any particular person, corporation or locality or any particular description of service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

4. Nothing in this chapter shall be taken to prohibit any such corporation from establishing a sliding scale for a fixed period for the automatic adjustment of charges for such service or any service rendered or to be rendered and the dividends to be paid to stockholders of such corporation, provided that the sliding scale shall first have been filed with and approved by the proper commission; but nothing in this subdivision shall operate to prevent the commission after the expiration of such fixed period from fixing proper, just and reasonable rates and charges to be made for services as authorized in this article.

§ 80. General powers of commissions in respect to steam heating. Each commission shall within its jurisdiction: 1. Have general supervision of all steam corporations having authority under any general or special law or under any charter or franchise to lay down, regulate or maintain pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or transmitting steam for heat or power, and all plants leased or operated by any such corporation.

2. Investigate and ascertain, from time to time, the methods employed by such persons and corporations in manufacturing, distributing and supplying steam for heat or power and have power to order such reasonable improvements as will best promote the

public interest, preserve the public health and protecting those using such steam and those employed in the manufacture and distribution thereof, and have power to order reasonable improvements and extensions of the pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of such corporation.

3. Have power, in its discretion, to prescribe uniform methods of keeping account, records and books, to be observed by such corporation in the manufacture, sale and distribution of steam. It may also in its discretion prescribe, by order, forms of accounts, records and memoranda to be kept by such persons and corporations. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such persons or corporations by the commission at least six months before the same shall take effect. Any other and additional forms of accounts, records and memoranda kept by such corporation shall be subject to examination by the commission.

4. Examine all persons and corporations under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. The commission shall have power of its own motion to examine and investigate the plants and methods employed in manufacturing, delivering and supplying steam and shall have access through its members or persons employed and authorized by it to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission, distribution, furnishing or sale of steam for heat or power by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge or authorized by law shall be guilty of a misdemeanor. Whenever the commission shall be of the opinion, after hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such person or corporation, are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be enforced for the service to be furnished, and the just and reasonable acts and regulations to be done and observed; and whenever the com-

mission shall be of opinion, after hearing had upon its own motion or upon complaint, that the property, equipment or appliances of any such person or corporation are unsafe, inefficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

5. Require every person and corporation under its supervision, and it shall be the duty of every such person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said officials holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall show in detail:

(a) The amount of its authorized capital stock and the amount thereof issued and outstanding; (b) the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; (c) its receipts and expenditures during the preceding year; (d) the amount paid as dividends upon its stock and as interest upon its bond; (e) the name of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; (f) the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; (g) such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such report shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may from time to time make changes and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be

liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file and correct the same, to be sued for in the name of the people of the state of New York. The amount recovered in any such action shall be paid into the state treasury and be credited to the general fund. The commission may extend the time prescribed for cause shown.

6. Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, power houses, ducts, conduits and offices of any such corporation or person.

7. Have power to examine all accounts, books, contracts, records, documents and papers of any such person or corporation, and have power, after a hearing, to prescribe by order all accounts in which particular outlays and receipts shall be entered, charged or credited.

8. Have power to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and papers. In lieu of requiring production of originals by subpoena duces tecum the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers, or parts thereof, to be filed with it. The commission may require of all such corporations, persons or municipalities, specific answers to questions upon which the commission may need information, and may also require such corporations, persons or municipalities to file periodic reports in the form, covering the period and filed at the time prescribed by the commission. If such corporation, person or municipality shall fail to make specific answer to any question or shall fail to make a periodic report when required by the commission as herein provided within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation, person or the officer of the municipality shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer. Such forfeiture shall be recovered in an action brought by the commission in the name of the people of the state of New York. The amount recovered in any such action shall be paid into the state treasury and be credited to the general fund.

9. Have power in all parts of the state, either as a com-



mission or through its members, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it in reference to any matter within its jurisdiction under this article.

10. Have power to require every steam corporation, person or municipality to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, established or enforced or to be charged or enforced, all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such steam corporation, person or municipality; but this subdivision shall not apply to state, municipal or federal contracts. Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed or published by a steam corporation, person or municipality in compliance with an order of the commission, except after thirty days' notice to the commission and the publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe. No corporation or municipality shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such services as specified in its schedule filed and in effect at the time; nor shall any corporation, person or municipality refund or remit in any manner or by any device any portion of the rates or charges so specified, nor to extend to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances. The commission shall have power to prescribe the form of every such schedule, and from time to time prescribe by order such changes in the form thereof as may be deemed wise. The commission shall also have power to establish such rules and regulations to carry into effect the provisions of this subdivision as it may deem necessary, and to modify or amend such rules or regulations from time to time.

11. In case any steam corporation is engaged in carrying on any business other than owning, operating or managing a steam plant, which other business is not otherwise subject to the jurisdiction of the commission, and is so conducted that its operations are to be substantially kept separate and apart from the owning, operating, managing or controlling of such steam plant, said corporation in respect of such other business shall not be subject to any of the provisions of this chapter and shall not be required to procure the assent or authorization of the commission to any act in such other business or to make any report in respect thereof. But this subdivision shall not restrict or limit the powers of the commission in respect to the owning, operating, managing or controlling by such corporation of such steam plant, and said powers shall include also the right to inquire as to, and prescribe the apportionment of, capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such steam plant as distinguished from such other business. In any such case if the owning, operating, managing or controlling of such steam plant by any such corporation is wholly subsidiary and incidental to the other business carried on by it and is inconsiderable in amount and not general in its character, the commission may by general rules exempt such corporation from making full reports and from the keeping of accounts as to such subsidiary and incidental business.

§ 81. **Approval of incorporation and franchises; certificate.** No steam corporation shall begin construction of a steam plant without first having obtained the permission and approval of the commission of each district within which any part of the work of construction is to be performed. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the proper commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities. The commission within whose district such construction is to be made,

or within whose district such right, privilege or franchise is to be exercised, shall have power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service.

No municipality shall build, maintain and operate for other than municipal purposes any works or systems for the manufacture and supplying of steam for purposes without a certificate of authority granted by the commission. If the certificate of authority is refused, no further proceedings shall be taken by such municipality before the commission, but a new application may be made therefor after one year from the date of such refusal.

§ 82. **Approval of issues of stock, bonds and other forms of indebtedness.** A steam corporation organized or existing, or hereafter incorporated, under or by virtue of the laws of the state of New York, may issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its plant or distributing system, or for the improvement or maintenance of its service or for the discharge or lawful refunding of its obligations or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the corporation not secured or obtained from the issue of stocks, bonds, notes or other evidence of indebtedness of such corporation, within five years next prior to the filing of an application with the proper commission for the required authorization, for any of the aforesaid purposes except maintenance of service and except replacements in cases where the applicant shall have kept its accounts and vouchers of such expenditure in such manner as to enable the commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; provided and not otherwise that there shall have been secured from the proper commission an order authorizing such issue, and the amount thereof, and stating the purposes to which the issue or proceeds thereof are to be applied, and that, in the opinion of the commission, the money, property or labor to be procured or paid for by the issue of such stock, bonds, notes or other evidence of indebtedness is or has been reasonably required for the purposes specified in the order, and that except as otherwise permitted in the order in the case of

bonds, notes and other evidence of indebtedness, such purposes are not in whole or in part reasonably chargeable to operating expenses or to income. Nothing herein contained shall prohibit the commission from giving its consent to the issue of bonds, notes or other evidence of indebtedness for the reimbursement of moneys heretofore actually expended from income for any of the aforesaid purposes, except maintenance of service and replacements, prior to five years next preceding the filing of the application therefor, if in the judgment of the commission such consent should be granted; provided application for such consent shall be made prior to January first, nineteen hundred and twelve. For the purpose of enabling it to determine whether it should issue such an order, the commission shall make such inquiry or investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. Such corporation shall not without the consent of the commission apply said issue or any proceeds thereof to any purpose not specified in such order. Such steam corporation may issue notes, for proper corporate purposes and not in violation of any provision of this or of any other act, payable at periods of not more than twelve months without such consent; but no such notes shall, in whole or in part, directly or indirectly be refunded by any issue of stock or bonds or by any evidence of indebtedness running for more than twelve months without the consent of the proper commission. Provided, however, that the commission shall have no power to authorize the capitalization of any franchise to be a corporation or to authorize the capitalization of any franchise or the right to own, operate or enjoy any franchise whatsoever in excess of the amount exclusive of any tax or annual charge actually paid to the state or to any political subdivision thereof as to the consideration for the grant of such franchise or right. Nor shall the capital stock of a corporation formed by the merger or consolidation of two or more corporations exceed the sum of the capital stock of the corporation, so consolidated, at the par value thereof, or such sum or any additional sum actually paid in cash; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger.

§ 82-a. 1. Reorganizations of steam corporations pursuant to sections nine and ten of the stock corporation law and such other Reorgani-  
zations  
subject to

control of  
commission.

statutes as may be enacted from time to time shall be subject to the supervision and control of the proper commission, and no such reorganization shall be had without the authorization of such commission.

Amount of  
capitali-  
zation on  
reorganiza-  
tion,  
limited.

2. Upon all such reorganizations the amount of capitalization, including therein all stocks and bonds and other evidence of indebtedness, shall be such as is authorized by the commission, which, in making its determination shall not exceed the fair value of the property involved, taking into consideration its original cost of construction, duplication cost, present condition, earning power at reasonable rates and all other relevant matters and any additional sum or sums as shall be actually paid in cash, provided, however, that the commission may make due allowance for discount of bonds. Any reorganization agreement before it becomes effective shall be amended so that the amount of capitalization shall conform to the amount authorized by the commission.

§ 83. Approval of transfer of franchise. No steam corporation shall transfer or lease its franchise, works or system or any part of such franchise, works or system to any other person or corporation or contract for the operation of its works and system, without the written consent of the proper commission. The permission and approval of the commission, to the exercise of a franchise under section eighty-one of this chapter, or to the assignment, transfer or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality, unless authorized so to do by the commission. Save where stock shall be transferred or held for the purpose of collateral security only with the consent of the commission empowered by this chapter to give such consent, no stock corporation of any description, domestic or foreign, other than a steam corporation or street railroad corporation, shall purchase or acquire, take or hold, more than ten per centum of the total capital stock issued by any steam corporation organized or existing under or by virtue of the laws of this state, except that a corporation now lawfully holding a majority of the capital stock of any steam corporation may with

the consent of the commission acquire and hold the remainder of the capital stock of such steam corporation or any portion thereof. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired, or to prevent, upon the surrender or exchange of said stock pursuant to a reorganization plan, the purchase, acquisition, taking or holding of a proportionate amount of stock of any new corporation organized to take over, at foreclosure or other sale, the property of any corporation whose stock has been thus surrendered or exchanged. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation, in violation of any provision of this chapter, shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such steam-heating corporation, or shall be recognized as effective for any purpose.

§ 84. Complaints as to service and price of steam heat; investigation by commission; forms of complaints. Upon the complaint in writing of the mayor of the city, the trustees of a village or the town board of a town in which a person or corporation is authorized to manufacture, sell or supply steam for heat or power, or upon the complaint in writing of not less than fifty customers or purchasers of such steam heat in cities of the first or second class, or of not less than twenty-five in cities of the third class, or of not less than ten elsewhere, as to the price, pressure or efficiency of steam supplied for heat or power, sold and delivered in such municipality, the proper commission shall investigate as to the cause for such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the work, system, plant, devices, appliances and methods used by such person or corporation in manufacturing, transmitting and supplying such steam, and may examine or cause to be examined the books and papers of such person or corporation pertaining to the manufacture, sale, transmitting and supplying of such steam. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaint shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their place of residence, by street and number, if any.

§ 85. Notice and hearing; order fixing price of steam, or requiring improvement. Before proceeding under a complaint



presented as provided in section eighty-four, the commission shall cause notice of such complaint, and the purpose thereof, to be served upon the person or corporation affected thereby. Such person or corporation shall have an opportunity to be heard in respect to the matters complained of at a time and place to be specified in such notice. An investigation may be instituted by the commission as to any matter of which complaint may be made, as provided in section eighty-four of this chapter, or to enable it to ascertain the facts requisite to the exercise of any power conferred upon it. After a hearing and after such an investigation as shall have been made by the commission or its officers, agents, examiners or inspectors, the commission within lawful limits may, by order, fix the maximum price of steam not exceeding that fixed by statute to be charged by such corporation or person, for the service to be furnished; and may order such improvement in the manufacture, distribution or supply of steam, or in the methods employed by such person or corporation, as will in its judgment be adequate, just and reasonable. The price fixed by the commission under this section or under subdivision five of section eighty shall be the maximum price to be charged by such person, corporation or municipality for steam for the service to be furnished within the territory and for a period to be fixed by the commission in the order, not exceeding three years except in case of a sliding scale, and thereafter until the commission shall, upon its own motion or upon the complaint of any corporation, person or municipality interested, fix a higher or lower maximum price of steam to be thereafter charged. In determining the price to be charged for steam the commission may consider all facts which in its judgment have any bearing upon a proper determination of the question although not set forth in the complaint and not within the allegations contained therein, with due regard among other things to a reasonable average return upon capital actually expended and to the necessity of making reservations out of income for surplus and contingencies.

§ 86. **Forfeiture for noncompliance with order.** Every corporation and the officers, agents and employees thereof shall obey, observe and comply with every order made by the commission under authority of this chapter so long as the same shall be and remain in force. Any such person or corporation, or any officer, agent or employee thereof, who knowingly fails or neglects to obey or comply with such order, or any provision of this chap-



ter, shall forfeit to the state of New York not to exceed the sum of one thousand dollars for each offense. Every distinct violation of any such order or of this chapter shall be a separate and distinct offense, and in case of a continuing violation each day shall be deemed a separate and distinct offense.

§ 87. **Summary proceedings.** Whenever either commission shall be of opinion that a steam corporation or municipality within its jurisdiction is failing or omitting or about to fail or omit to do anything required of it by law or by order of the commission or is doing anything or about to do anything or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order of the commission, it shall direct counsel to the commission to commence an action or proceeding in the supreme court of the state of New York in the name of the commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction. Counsel to the commission shall thereupon begin such action or proceeding by a petition to the supreme court alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify the time not exceeding twenty days after service of a copy of the petition within which the steam corporation or municipality complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct without other or formal pleadings, and without respect to any technical requirement. Such other persons or corporations, as it shall seem to the court necessary or proper to join as parties in order to make its order, judgment or writs effective, may be joined as parties upon application of counsel to the commission. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that a writ of mandamus or injunction or both issue as prayed for in the petition or in such modified or other form as the court may determine will afford appropriate relief.

§ 88. **Defense in case of excessive charges for steam heat.** If it be alleged and established in an action brought in any court for the collection of any charge for steam for heat or power, that a price has been demanded in excess of that fixed by the commission or by statute in the municipality wherein the action arose,

no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

§ 89. **Powers of local officers.** If in any city of the first or second class there now exists or shall hereafter be created a board, body or officer having jurisdiction of matters pertaining to steam power service, such board, body or officer shall have and may exercise such power, jurisdiction and authority in enforcing the laws of the state and the orders, rules and regulations of the commission as may be prescribed by statute or by the commission.

§ 89-a. **Jurisdiction.** The words "proper commission," when used in this article, mean the commission of the district within which the person or corporation affected supplies or purposes to supply the whole or the greater part of the service rendered by it. But nothing herein contained shall be construed to deprive the commission of either district of the power of supervision and regulation within its district. And either commission shall have power to enter and inspect the plant of such corporation, wherever situated.

§ 4. This act shall take effect immediately.

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## Chap. 506.

AN ACT to amend the public service commissions law, in relation to stock yards and corporations operating the same.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two of chapter four hundred and eighty of the laws of nineteen hundred and ten, entitled "An act in relation to public service commissions, constituting chapter forty-eight of the consolidated laws," as amended by chapter six hundred and seventy-three of the laws of nineteen hundred and ten, is hereby amended by adding thereto at the end thereof, a new subdivision, to be subdivision twenty-one,<sup>1</sup> to read as follows:

21. The term "stock yard," when used in this chapter, includes all real estate, fixtures and personal property owned, used

Subd. 21  
added to  
L. 1910,  
ch. 480  
§ 2.

Stock  
yard  
defined.

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<sup>1</sup> A different subd. 21 was added by L. 1913, ch. 505. ante.

or to be used in connection with the business of affording facilities for the shipment of live stock and for the care thereof for such purpose prior to the time that transportation begins; and the term "stock yard company" includes every corporation, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, operating or managing a stock yard.

§ 2. Section five of such chapter is hereby amended, by adding thereto, at the end thereof, a new subdivision, to be subdivision eight, to read as follows: Subd. 8  
added to  
§ 5.

8. The jurisdiction, supervision, powers and duties of the public service commission in either district, under this chapter, shall extend to every stock yard lying wholly within the district and to the stock yard company owning, leasing or operating the same, to the same extent and in respect to the same objects and purposes as such jurisdiction extends, under the provisions of this chapter, to depots, freight houses and shipping stations of a common carrier, including the duty of such stock yard company to submit reports and be subjected to investigation as if it were a common carrier, and the powers and duties of such commission to fix charges and make and enforce orders relating to adequate service by such company. Jurisdiction  
of com-  
mission  
extended to  
stock  
yards.

§ 3. This act shall take effect immediately.

## Chap. 507.

AN ACT to incorporate the city of Salamanca.

Became a law May 14, 1913, with the approval of the Governor. Passed,  
three-fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

### CHARTER OF THE CITY OF SALAMANCA.

- |       |   |
|-------|---|
| Title | I. Incorporation, boundaries, civil divisions and definitions (§§ 1-5).   |
|       | II. City officers; eligibility; elections; appointments; terms of office; compensation; filling vacancies (§§ 10-20). |
|       | III. City officers; their general powers and duties (§§ 21-39).   |

- IV. The common council (§§ 40–57).
- V. Department of public works; local improvements; streets; highways; construction of sewers; paving of streets and construction of sidewalks (§§ 58–75).
- VI. Department of water and light (§§ 76–84).
- VII. Department of parks (§§ 85–90).
- VIII. Board of fire commissioners and fire department (§§ 91–101).
- IX. The police department (§§ 102–121).
- X. Department of charities (§§ 122–126).
- XI. Department of public instruction (§§ 127–142).
- XII. Board of health (§§ 143–147).
- XIII. City court (§§ 148–160).
- XIV. Department of law (§§ 161–167).
- XV. Actions by and against the city (§§ 168–170).
- XVI. Assessment and taxation (§§ 171–191).
- XVII. Miscellaneous (§§ 192–209).

## TITLE I.

### INCORPORATION; BOUNDARIES; CIVIL DIVISIONS; DEFINITIONS.

- Section 1. Short title; public act.
- 2. Boundaries of the city.
  - 3. Corporate name and powers.
  - 4. Divisions into wards; ward boundaries.
  - 5. Definitions.

§ 1. **Short title; public act.** This act is a public act and shall be known as “the charter of the city of Salamanca.”

§ 2. **Boundaries of the city.** Beginning at angle post fifteen in the south bounds of the Allegany Indian reservation, which post is also the southwest corner of the village of West Salamanca as established by an act of Congress, approved February nineteenth, eighteen hundred and seventy-five, and running thence easterly along the reservation line to a point two thousand eight hundred ninety-six feet distant; thence south sixty degrees thirty minutes east to a point one thousand seven hundred eighty-three feet distant; thence south twenty degrees thirty minutes west nine hundred thirteen feet to the north line of lands owned and occupied by Louis and Frank Hall; thence due east and along the north line of said Hall and

others to a point one thousand seven hundred three feet distant; thence north forty-seven degrees forty-five minutes east eight hundred ten feet to angle post thirteen in the reservation line; thence easterly along the reservation line six thousand nine hundred ninety-six feet to angle post twelve and the east line of the village of Salamanca as fixed by an act of congress of eighteen hundred and seventy-five; thence northerly and along the said east line of the village of Salamanca to the south bounds of the right of way of the Western New York and Pennsylvania Railroad Company; thence easterly along said south bounds of said railroad, as measured along said south bounds, to a point eighteen hundred feet easterly from said east line of the village of Salamanca; thence northerly across the Allegany river and along the west bank of the Great Valley creek to a point which is about seven hundred feet northerly as measured along the west bank of said creek from the north reservation line; thence north seventy-one degrees ten minutes west to a concrete monument on the west side of the highway leading to the Buffalo, Rochester and Pittsburg Railway Company's undergrade crossing to Great Valley Center and which monument indicates the southeast corner of a lane running from the highway to the railroad yards and belonging to the Buffalo, Rochester and Pittsburg Railway Company; thence continuing the same course and along the south bounds of said railroad lane to the east bounds of the Buffalo, Rochester and Pittsburg Railway Company's yards; thence southerly along said east bounds of the said railway to the north reservation line; thence westerly along said reservation line four hundred and ninety feet to the west bounds of the said railway's right of way leading from East Salamanca to Bradford, Pennsylvania; thence northerly along the west bounds of the said railway company's right of way aforesaid, eight hundred fifty-five feet to the south bounds of the Buffalo, Rochester and Pittsburg Railway Company's yards; thence westerly along the south boundaries of said yards nine hundred and twenty feet to the east bounds of said railway company's right of way leading from East Salamanca to Salamanca; thence southerly along said right of way five hundred and thirty-four feet to the north reservation line; thence westerly along said reservation line to the west bounds of the last mentioned right of way; thence northerly along said west bounds to a point which is three thousand two hundred fifty-three feet distant as measured along said west bounds; thence north seventy-six degrees west to a point which is one thousand two hundred

forty-eight feet distant; thence south twenty-one degrees west and parallel to a laid out highway known as Highland avenue to a point two thousand two hundred fifty-four feet distant; thence south fifty-two degrees west to a point seven hundred one feet distant; thence south seventy degrees forty-five minutes west three hundred thirty-eight feet to a point on the reservation line; thence westerly along said reservation line to the west line of the village of West Salamanca as established by an act of congress of eighteen hundred and seventy-five; thence southerly along said west line of said village of West Salamanca to angle post fifteen in the reservation line and the point of beginning.

§ 3. **Corporate name and powers.** 1. The citizens of the state of New York from time to time inhabitants within the boundaries of the "city of Salamanca," as aforesaid, shall be a municipal corporation in perpetuity under the name of the "City of Salamanca." The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for the erection of statues, monuments, hospitals, public libraries, public buildings, grounds for the burial of the dead, or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust, and may have, use, and from time to time alter, a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted it.

2. **Towns of Salamanca and Great Valley.** The towns of Salamanca and Great Valley shall hereafter consist of all the territory heretofore constituting said towns, except that portion thereof embraced within the boundaries of the city of Salamanca, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the towns of Salamanca and Great Valley.

3. **Succession of liabilities.** The corporations known as the villages of Salamanca and West Salamanca and included in the boundaries of said city are hereby dissolved, and that portion of the corporations of the towns of Salamanca and Great Valley outside of the villages of Salamanca and West Salamanca, as they now exist, and included in the boundaries of said city are hereby separated and divided from said towns of Salamanca and Great

Valley respectively, and included in and made a part of said city, subject to the provisions of this act. The city of Salamanca shall succeed to and be vested with all the rights and property of said villages of Salamanca and West Salamanca, and with all the rights and property belonging to and embraced in that part of the towns of Salamanca and Great Valley included in the boundaries of said city, and shall succeed to and be liable for all the liabilities of said village corporations of every name and nature, and shall succeed to and be liable for all the liabilities of the towns of Salamanca and Great Valley as may be equitably proportioned between said town corporations and said city, as hereinafter provided by this act, and every suit, prosecution or proceeding commenced by or against said village corporations, and pending at the time of the passage of this act, shall be continued by or against and in the name of said city and the name of said city shall be substituted instead of said village corporations, and in the name of said city all suits, actions or proceedings may be continued, and every suit, prosecution or proceeding commenced by or against said town corporations, and pending at the time of the passage of this act, shall be equitably adjusted between said town corporations and said city, as hereinafter provided. All divisions of said villages, and the portions of said towns included within said city, into road, fire or other districts, all highways, streets, parks and alleys, shall remain, be and continue such divisions, highways, streets, parks and alleys in the city of Salamanca, and all ordinances, rules and regulations of the board of trustees of the said village of Salamanca in force at the time of the passage of this act shall be and continue to be in force, and shall have the same force and effect over the entire limits of the city of Salamanca, as in and by this act established, until repealed, modified or changed by the common council of said city, subject, however, to the provisions of this act. All ordinances, rules and regulations now existing and in force in the village of West Salamanca and in that part of the town of Salamanca and Great Valley included in the bounds of said city are hereby repealed. The said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Salamanca to enforce all such ordinances, rules and regulations of the village of Salamanca, and all contracts of said villages, and all contracts of said towns, as may be proportioned between said city and towns as aforesaid, and the portions of said towns included within the boundaries of said



city, including collections of debts and demands, impositions and collections of fines, and penalties, prosecution and defense of all suits; and to do, take and perform all other acts and proceedings that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules and regulations with the same force and to the full extent, as might have been done by or on the part of the board of trustees of said village of Salamanca, as though the boundaries of said village of Salamanca had been the same as the boundaries of the said city of Salamanca, and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of, any such contract, ordinance, rule or regulation, or otherwise, as well as any liability that may have arisen by reason thereof, shall remain and be the same under this act, as they would have been under the corporation of the village of Salamanca, as though the boundaries of said village of Salamanca were coterminous with the boundaries of the city of Salamanca, and all rights and liabilities of said villages, and those of said towns, as may be equitably proportioned or adjusted between said towns and said city, existing at the time of the passage of this act, shall be in no wise affected or changed thereby; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities shall be brought and prosecuted or defended by or in the name of the city of Salamanca. All rules and regulations pertaining to the government of the fire department of the said village of Salamanca, in force at the time of the passage of this act, shall remain, be and continue the same under said city, and shall be extended to the boundaries thereof, as under said village government, until repeal thereof, and the adoption of other or further rules, and regulations in relation thereto, and all officers and members of said fire department of the village of Salamanca, and all members of the fire department of the village of West Salamanca and of that portion of the town of Great Valley included in the bounds of said city shall become and be the officers and members of the fire department of the city of Salamanca, and shall perform all the duties devolving upon them as such firemen, and have and retain all the rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act. The ownership and control of all the property and effects pertaining to or connected with the fire departments of said villages

shall, by virtue of this act, vest in the city of Salamanca and in the fire department thereof.

§ 4. Division into wards; ward boundaries. The said city shall be divided into five wards as follows:

1. First ward. The first ward of said city shall include all of said city north of the center of the Allegany river and west of the center line of Main street, and all territory west of a line extended north at right angles to the center line of State street from the point where Main and State streets intersect.

2. Second ward. The second ward of said city shall include all of said city south of the center of the Allegany river and west of the center line of Division street and west of the center line of Division street extended southerly to the south boundary of the city, and south of the center line of Broad street from the point where same intersects with the center line of Division street, to the point where it intersects with the center line of Front avenue and west of the center line of Front avenue to the intersection of the center lines of Front avenue and Race \*streets and all territory west of a line drawn north at right angles to the center line of Race street from the intersection of the center line of Race street and Front avenue to the center of the Allegany river.

3. Third ward. The third ward of said city shall include all of said city north of the center of the Allegany river, east of the east boundary line of ward number one, south of the north reservation line and west of the center lines of Saint Gaul and North Saint Gaul streets, the latter extended north to the reservation line, and the former southerly to the center of the Allegany river. There shall also be included in this ward the island in the Allegany river commonly known as Island park and now owned by the Country Club.

4. Fourth ward. The fourth ward of said city shall include all of said city south of the center of the Allegany river and east of the east boundary line of ward number two.

5. Fifth ward. The fifth ward of said city shall include all the remainder of said city.

§ 5. Definitions. The official and fiscal year of the city shall commence with the first day of January in each year. The term "streets," as used in this act, includes highways, avenues, alleys and lanes. The term "resolution," as used in this act, includes

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\* So in original.

all motions, orders, rules, regulations and by-laws other than ordinances. The word "person" as used in this act, shall be construed to include all persons, firms, companies, corporations and associations.

## TITLE II.

### CITY OFFICERS; ELIGIBILITY; ELECTIONS; APPOINTMENTS; TERMS OF OFFICE; COMPENSATION; FILLING VACANCIES.

#### Section 10. City officers.

11. Eligibility to city offices; vacancy created by change of residence.
12. Elective city officers enumerated.
13. Appointive city officers enumerated; by whom appointed.
14. Compensation of city officers.
15. Commencement and expiration of term of office.
16. City elections.
17. Canvass of votes at annual city election.
18. Official salaries, when payable; fees and perquisites.
19. Suspensions and removals of appointive city officers.
20. Filling vacancies.

§ 10. City officers. The officers of the city shall be a mayor, city judge, acting city judge, comptroller, city clerk, city attorney, seven commissioners of education, a commissioner of charities, a superintendent of schools, a chief of police, so many patrolmen as may be deemed necessary by the common council, one health officer, three commissioners of water and light, one superintendent of water and light, three commissioners of parks, play grounds and markets, one superintendent of public works, one fire chief engineer, one deputy fire chief engineer, one assessor, two associate assessors. The officers of the wards of said city shall be one alderman, one supervisor and one commissioner of education. The common council shall have power in their discretion to create, as officers of the city, and appoint, a deputy clerk, a city physician, a city engineer, three fire and police commissioners, three commissioners of public works and as many commissioners of deeds as said council may deem advisable.

§ 11. Eligibility to city offices. No person shall be elected or appointed to any city office, other than city engineer, superintendent of water and light, superintendent of public works or superintendent of schools, unless he shall at the time be a resi-

dent elector of said city, nor to any ward office unless he shall at the time be a resident elector of the ward for which he is elected or appointed. No person shall be elected city judge unless he shall have been, for at least one year previous to his election, duly admitted to practice as an attorney and counselor in the several courts of this state. Whenever any officer of said city, other than city engineer, shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall thereby become vacant. No person shall, at the same time, hold more than one city office in said city, other than a commissioner of deeds, who may also hold any other city office, except the office of mayor or city judge.

§ 12. **Elective city officers enumerated.** 1. Elective city officers. The elective officers to be elected by the city at large shall be a mayor, a city judge, an assessor and two commissioners of education; the elective officers of the city to be elected by each ward shall be one commissioner of education, one alderman and one supervisor.

2. Terms of the elective officers. Other than is provided by this act, the terms of office of the mayor, city judge, assessor, aldermen and commissioners of education shall be two years. The term of the office of the supervisor shall be the same as the term of the supervisor of the town.

§ 13. **Appointive city officers enumerated; by whom appointed, their term of office.** 1. The appointive officers of the city of Salamanca shall be a comptroller, city clerk, city attorney, acting city judge, commissioner of charities, three health commissioners, three commissioners of water and light, three commissioners of public works, three fire and police commissioners, three commissioners of parks, play grounds and markets and two associate assessors, each of whom shall be appointed by the mayor, subject to the confirmation of the common council. The chief of police and patrolmen shall also be appointed by the mayor, subject to the confirmation of the common council, until such a time as the common council shall create police commissioners, when said police commissioners shall make said appointments. The fire chief engineer and the deputy fire chief engineer shall also be appointed by the mayor, subject to the confirmation of the common council, until such a time as the common council shall create fire commissioners, when the fire commissioners shall make said appointments. One superintendent of public works

shall be appointed by the mayor, subject to the confirmation of the common council, until such a time as the common council shall create commissioners of public works, when the commissioners of public works shall make said appointment. A superintendent of water and light shall be appointed by the commissioners of water and light; a superintendent of schools shall be appointed by the commissioners of education; and a health officer shall be appointed by the commissioners of health, and shall act as city physician, until such time as the council shall create the office of city physician. When the common council shall in their discretion create the offices of deputy city clerk, city physician, three fire and police commissioners, three commissioners of public works, city engineer and commissioners of deeds, they shall be appointed by the mayor, subject to the confirmation of the common council, except that when the commission of public works is created by the said common council, then said commissioners of public works shall appoint the city engineer.

2. Term of office of appointive officers. The term of office of all appointive officers shall be for one year, except the offices of commissioners of water and light, commissioners of parks, the fire and police commissioners, and the commissioners of public works, who shall be appointed for the term of three years, except the first year one shall be appointed for three years, one for two years and one for one year, respectively; of each of said other officers authorized and required by general laws, the time thereof specified in said general laws.

§ 14. Compensation of city officers. The aldermen, commissioners of water and light, commissioners of parks, commissioners of health, fire and police commissioners, commissioners of public works and commissioners of education shall receive no compensation for their services. The annual salary for the mayor shall be two hundred dollars. The annual salary for the city judge shall be eight hundred dollars. The annual salary of the city comptroller shall be one thousand two hundred dollars. The annual salary of the city clerk shall be nine hundred dollars. The annual salary of the commissioner of charities shall be two hundred and fifty dollars. The annual salary of the city assessor shall be three hundred dollars. The annual salary of the health officer shall be one hundred and fifty dollars. The corporation counsel, the chief of police, patrolmen, superintendent of public

works, the fire chief engineer, deputy fire chief engineer, deputy city clerk, city physician and city engineer shall receive such compensation as shall be agreed upon by the common council.

The compensation of the superintendent of water and light shall be determined by the commissioners of water and light. When the fire and police commissioners are created by the common council, then they shall determine the compensation of the chief of police, patrolmen, fire chief engineer and deputy fire chief engineer, and when the commissioners of public works are created by the common council, then said commission shall determine the compensation of the superintendent of public works. The commissioners of deeds shall receive the compensation now provided by law to be received by them, and the supervisors shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; the appointive assessors three dollars each per diem; the inspectors of election and such other officers as are authorized to be appointed by general law. No other appointive officer of the city shall be entitled to receive any compensation for his services unless otherwise provided by this act or by a general law.

§ 15. Commencement and expiration of term of office. The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the beginning of the next fiscal and official year after such election, namely, the first day of January following his election. The term of office of each officer appointed by the mayor or the mayor and the common council for a full term shall, other than as herein provided, commence on the first day of February of the year in which the appointment is required to be made. The term of office of the superintendent of public works and city engineer shall begin on the first of March of the year in which the appointment is required to be made. The office of superintendent of schools shall begin on the first day of August of the year in which the appointment is required to be made.

§ 16. City elections. The common council shall provide polling places, ballot boxes or voting machines and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act. At each such election, other than as herein provided, a



successor shall be elected to each elective city officer whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, other than as hereinafter provided, shall be given by the common council, the notice thereof to be published in the official newspaper of said city at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election, and the propositions to be submitted thereat, and the location of each polling place, or by such notice and in such manner as may be required by the general election laws of the state. The polls of each general election and of each special election in said city, at which one or more city officials are to be elected, shall be opened and kept open and closed in each district as provided by the general laws of the state for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, other than as provided in this act. The city clerk shall at least one week before the date fixed by law for the first meeting of the board of registry for a city election notify each inspector of election, in writing, of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly shall then and there be entitled to vote for all officers to be elected by the city at large, and for all ward officers to be elected in his ward. To entitle any elector or voter to vote upon a proposition to raise money by tax or by bonds, he must be entitled to vote for a city officer and he or his wife must be the owner of property in the city assessed upon the last preceding assessment-roll thereof. A woman who possesses the qualifications to vote as herein provided, except the qualification of sex, who is the owner of property within the city, which was assessed upon the last assessment-roll, shall be entitled to vote upon a proposition to raise money by tax or by bonds. Any person shall be entitled to vote for commissioners of education, who have the qualifications prescribed in section ninety-three of the education law, constituting chapter \*sixty-one of the consoli-

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\* So in original. [The education law constitutes ch. 16 of the consolidated laws. Section 93 was made § 203 by L. 1910, ch. 140.]



dated laws of the state of New York, in addition to the foregoing qualifications. No person shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided for at least thirty days immediately prior to the election at which he offers his vote. Each ward of the city shall constitute an election district until some further division be made pursuant to the general election law. A special city election shall not be called at any time within sixty days prior to the time of holding the annual city election.

§ 17. **Canvass of votes at annual city election.** The common council of said city shall meet as a board of city canvassers on the next Thursday after each regular city election. The city clerk shall present to the common council at said meeting the certified statements of the result of such election in the several election districts of the city, as delivered to him by the inspectors of election of such districts. The common council shall canvass such certified statements and determine and declare the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person was elected thereto. The person having the greatest number of votes for the respective offices to be filled for the whole city, and those having the greatest number of votes for the offices to be filled by the several wards shall be declared duly elected. In case of a tie vote the mayor and common council shall fill such office by appointment for the full term. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the common council.

§ 18. **Official salaries, when payable; fees and perquisites.** The salaries of city officers shall be payable in such instalments and at such times as the common council shall determine. The compensation fixed by the common council, or by law, for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided. All fees and perquisites received by such officers shall, other than as especially provided by this act or in pursuance of general law, be paid into the treasury for the benefit of the general city fund.

§ 19. **Suspensions and removals of appointive city officers.** The mayor, common council and each city board, having appointive powers, may remove any city officer appointed by them, for dishonesty, incapacity, neglect of duty or other irregularities, giving such officers reasonable notice thereof and a reasonable op-

portunity to be heard, and such officer may be suspended pending such investigation.

§ 20. **Filling vacancies.** Other than as provided in this act, if a vacancy shall occur in any elective office of the city, otherwise than by expiration of term, the mayor and common council shall appoint a person to fill such vacancy for the balance of the unexpired term. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

### TITLE III.

#### CITY OFFICERS, THEIR GENERAL POWERS AND DUTIES.

Section 21. Official oath required \*by all city officers.

22. Official bond of city officers.

23. Liability of city officers for unauthorized expenditures and other official misconduct.

24. When expenditures to be by contract to the lowest bidder.

25. City officers authorized to administer oaths and take affidavits and acknowledgments.

26. General powers and duties of the mayor.

27. General powers and duties of the city comptroller.

28. General powers and duties of city judge.

29. Acting city judge, designation of, et cetera; compensation.

30. General powers and duties of city clerk.

31. The city attorney.

32. General powers and duties of city engineer.

33. General powers and duties of superintendent of public works.

34. The aldermen.

35. The assessor.

36. City physician and health officer.

37. Powers and duties of supervisors.

38. Powers and duties of other city officers.

39. Payments of money must be made from and into general fund when not otherwise provided.

§ 21. **Official oath required of all city officers.** Each officer of the city shall, before he enters upon the duties of his office,

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\* So in original.

take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to all the liabilities and penalties prescribed by section eighteen hundred and twenty of the penal law and sections thirteen, fourteen and fifteen of the public officers' law. Each mayor, city clerk, city judge and commissioner of deeds shall, forthwith upon his election or appointment, file a certificate with the city clerk of his election or appointment to act, and also take and subscribe the constitutional oath of office before the clerk of the county of Cattaraugus.

§ 22. **Official bond of city officers.** Each city clerk, city engineer, commissioner of charities and city judge shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section fourteen of the general construction law and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section eighteen hundred and twenty of the penal law, and sections thirteen, fifteen and thirty of the public officers' law; other than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the common council.

§ 23. **Liability of city officers for unauthorized expenditures and other official misconduct.** No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of, the city or to contract any debts or liabilities against the city, unless authorized so to do, by or in pursuance of the provisions of this act or general law; and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment or expenditures of any moneys, not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action and shall be guilty of a misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose, exceeding the amount authorized by or in pursuance of law to be expended in any year by the common council, each officer voting for such resolution shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution unless his dissent thereto is entered

in the minutes of the meeting at which such resolution was passed, but the city of Salamanca shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity or to take part in making any such contract becomes voluntarily interested in such contract, he shall be liable to the penalty prescribed by section eighteen hundred and sixty-eight of the penal law. If any person, having been an officer of said city, whose term of office has expired shall not, within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided in section eighteen hundred and thirty-six of the penal law, or under any general law of the state.

§ 24. **When expenditures to be by contract to the lowest bidder.** Whenever any expenditures to be made or incurred by the common council or any city board or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except ordinary repairing of streets, shall exceed five hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with one or more sureties, being freeholders, or by some solvent surety company for the faithful performance of the contract. Each surety shall make an oath, in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum, but in that case a surety cannot justify in a less sum than five thousand dollars; and, where two or more sureties are required to justify, the same person cannot so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with

making the contract is too high, they shall, if the common council consent thereto by resolution, have the right to reject it and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting. If, however, the estimated expenditure does not exceed one thousand dollars, the work may be done without public letting, if the common council by resolution consent thereto.

§ 25. **City officers authorized to administer oaths and take affidavits and acknowledgments.** Each mayor, city clerk, city judge and commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits and acknowledgments as a justice of the peace of towns in the county of Cattaraugus.

§ 26. **General powers and duties of the mayor.** The mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this act or by the general statutes of this state, not inconsistent with this act. It shall be his duty to see that the laws of this state and the ordinances and by-laws passed by the common council are faithfully executed within the city. He shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He shall be the presiding officer of the common council. He shall have power and authority to call out and command the police and firemen of the city whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by chapters three and four of title two, part two of the code of criminal procedure. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine, at all times, the books, vouchers and papers of any officer or employee of said city, and to take and hear testimony and proof in pursuance of sections eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may designate, from time to time, the place in said city where he will keep his office. It shall be the duty of the mayor to communicate to the common council as soon after his election as practicable, and as often thereafter as he may deem expedient, a general statement of the affairs of the

city in relation to its finances, government and improvement, with such recommendations as he may deem proper.

§ 27. **General powers and duties of city comptroller.** The city comptroller shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon, and at such other hours as the common council may, from time to time, direct. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not knowingly pay money from any fund which is not properly chargeable thereto. The city comptroller shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of city moneys during the next preceding calendar month, a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. Before entering upon the duties of his office, and within fifteen days after he shall have received official notice of his election, the city comptroller shall execute and file an official bond with some solvent surety company, the expense of which shall be a city charge, in such penal sum as may be fixed by the common council, in accordance with section fourteen of the general construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission so to do, he shall be subject to the penalties and liabilities prescribed by sections thirteen, fifteen and thirty of the public officers' law. Such bonds shall be approved by the common council; a certificate by the city clerk of such approval shall be endorsed thereon, and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Cattaraugus, in the same manner as the official bond of town collectors, and such bond shall be a lien on all property of such comptroller until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied,



whereupon the common council shall, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the comptroller, personally, to receive all state, county, city and local taxes and assessments and water and light rents which may be paid at such office, and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the clerk of the city. He shall enter, daily, in suitable books all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and shall at the expiration of each month exhibit the same in his office to the mayor and finance committee of the common council for inspection. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof and the date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for nonresidents of said city, and the residence of such nonresidents, so far as he can ascertain the same. The comptroller shall be the custodian of all securities, obligations and other evidences of debt belonging to said city. He shall annually settle with the common council, and as much oftener as it may require, for all tax-rolls and warrants issued to him, and for all moneys received or collected by him for school or other purposes and produce the proper vouchers of the board of education and other officers for all money paid upon the warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands and deliver to such successor in office all assessment-rolls, books, papers and property belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 28. General powers and duties of city judge. The city judge shall be the judge of the city court, which shall have both civil and criminal jurisdiction. He shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are



or may be vested in justices of the peace of a town, together with such other powers and duties as are conferred upon him by this act, and shall be entitled to the same fees in civil proceedings as such justices of the peace. The city judge shall attend at his office every week day in the year at nine o'clock in the morning and remain for such length of time as the business of said court shall require.

§ 29. **Acting city judge, designation of, et cetera; compensation.** The mayor shall designate in writing, to be filed with the city clerk, an attorney who is an elector residing within the city, who shall, only during sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of the city judge all the powers of said judge, including jurisdiction in cases then pending before the said city judge. Such designation shall terminate at the expiration of the term of office of the then city judge or sooner at the option of the mayor. The mayor may revoke such designation and redesignate at will. The compensation of said acting city judge shall be such sum as the common council shall determine, not exceeding the sum of four dollars for every day actually spent in the discharge of the duties provided for in this act. He shall present an itemized and verified bill for his said services monthly to the common council, who shall audit, allow and pay the same. The amount so paid to the acting city judge shall be deducted from the salary of the city judge, except in cases where the city judge is for good cause excused from duty by the common council, which excuses shall in no one year exceed in the aggregate the period of thirty days exclusive of Sundays.

§ 30. **General powers and duties of the city clerk.** The city clerk of said city shall be ex-officio clerk of the common council, of all the commissions appointed and created by the common council, including the commissioners of education, and the commissioners of health, and registrar of vital statistics of the city. and shall perform all the duties of the town clerk required by the general laws of the state, not inconsistent with this act. He shall perform such other duties incident to his office as may be required by the common council or by any such board. He shall keep the minutes of the meeting of the common council and of each board, of which he is ex-officio clerk, and shall record in books to be kept for that purpose all proceedings of the common council and of each such board, and index the same. He shall keep an office at

such place as the common council shall provide and designate. He shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided by or in pursuance of law. He shall keep a book, and alphabetically index and record therein all bonds of the city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each such bond. He shall, upon request and payment of the fees therefor, make certified copies of all records and documents in his possession or under his control, as such clerk, or ex-officio clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified seal shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all fees and moneys received by him as such clerk or ex-officio clerk, other than his salary, including fees received by him as registrar of vital statistics, and shall, on or before the tenth day of each month, pay over all such fees and moneys received by him during the month immediately preceding to the city comptroller to the credit of the contingent fund, for which he shall take a receipt and file the same in his office. Such receipt shall, at all times, be subject to examination by the common council, or any member thereof. He shall draw and countersign all vouchers, orders or warrants for bills or claims audited by the common council, boards or other officers authorized by this act to audit the same. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in a town clerk's office and he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act. It shall be the duty of the city clerk to keep a record in a book, provided for that purpose by the common council, showing transfers, deeds and conveyances of all real property in the city, by entering the names of the grantors, the grantees, the date of the transfer, the date of filing, and such a description of the property either by number and street, or otherwise, so as to locate the same, and he shall stamp on the back of said deed the time of filing the same in his office, and sign his name thereto. For filing any such deed, transfer or

conveyance the city clerk shall receive a fee of twenty-five cents therefor. It shall not be lawful for the county clerk, and he shall not receive for record any deed, transfer or conveyance of land in the city of Salamanca, before the same shall have been filed with the city clerk aforesaid, and the stamp of filing of the city clerk on any such transfer, deed or conveyance shall be conclusive evidence that the same has been filed in his office.

§ 31. **The city attorney.** The city attorney shall be the sole official adviser of the common council, and all the boards and other officers of the city including the assessor. He shall when directed by the common council prosecute and defend all actions and proceedings by and against the city and every department thereof, attend the meetings of the common council and perform such other professional services relating to said city as the mayor or common council may direct. He shall when required prepare all legal papers, contracts, deeds and other instruments for the city, and the different departments thereof. The city attorney shall, at the expiration of his term of office, hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city to such suits or proceedings, to the end that a substitute order may be entered making such substitution. All costs in litigated cases, wherein the city is successful, shall belong to the city, and when collected shall be paid to the comptroller and credited to and form a part of the general fund of the city. He shall receive such compensation as the common council may determine. He shall furnish to the mayor and common council such reports and information from time to time, as the mayor or the common council may require.

§ 32. **General powers and duties of city engineer.** The city engineer, when the office is created by the common council, shall perform all of the city engineering required by the common council or board of public works and by the other departments and the other officers of the city. He shall make all preliminary surveys for the opening, making, constructing, paving, macadamizing, repairing, grading and establishing the grade of all streets, side and crosswalks, gutters, sewers, sewer inlets and the measurement of all work done on the same or on other public places in the city,

and prepare plans, profiles and specifications therefor, when necessary, or when required by the board of public works, and shall perform such other duties as may, from time to time, be required by the common council. He shall have no power to contract any liability or debt on the part of the city, except as authorized by the common council or the board of public works. He shall keep in his office books and records of all surveys and maps of streets, avenues and lanes and the grade thereof, and sidewalks, water-mains, sewers, sewer inlets with location and grade thereof. Such books and records shall be properly indexed, and shall be the property of the city, and transmitted with all other matters pertaining to his office to his successor. He shall receive such compensation for services rendered as may be approved by the common council and board of public works in joint session.

§ 33. **General powers and duties of the superintendent of public works.** The superintendent of public works shall be under the direction of the common council, until such time as said common council shall create commissioners of public works, as provided in this act. He shall have the general supervision and direction over all the streets, sewers and engineering, and shall perform such other duties as the common council or commissioners of public works shall direct. He shall at each regular meeting of the board of public works or common council, as the case may be, present thereto a pay-roll in such a form as the board of public works may prescribe, verified by his oath, setting forth the work done for the city under his charge since the last pay-roll, and specifying the name of each person employed thereon; the time he labored, his wages, number of days and the amount due him. Said pay-rolls when audited, shall be audited and paid from the proper fund of said city, on account of which said work shall be performed or said expenses incurred.

§ 34. **The aldermen.** It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of this state, or ordinances, by-laws or police regulations of the city when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are by this act enjoined

upon the aldermen of said city separately or upon the common council thereof. The aldermen of each ward shall be fence viewers, and shall possess all the powers and authority, in respect to division fences or walls in their ward, which are given by law to fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.

§ 35. **The assessor.** The city assessor shall perform all the duties required of him by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Cattaraugus county as those levied by the common council of said city and to that end he shall perform all the duties and possess all the powers and authority of town assessors, except as modified by this act. He shall as fast as fixed and estimated by him, and a reasonable time before the first day of August of each year, exhibit and furnish to the appointive assessors, all values and assessments as estimated by him, and the three assessors, or a majority thereof, shall fix and establish all values and assessments prior to the first day of August of each year, and prior to the completion, filing and review thereof, and shall meet together from time to time for such purpose.

§ 36. **City physician and health officer.** It shall be the duty of the city physician, when said office is created by the common council, under the direction of the commissioner of charities, to visit at their place of abode such of the poor of the city as may be ill and give medical attention and care, and cause to be supplied such medicines for the same as their condition shall require. All medicine furnished upon his order or the order of the commissioner of charities, shall be audited and paid from the poor fund of the city.

§ 37. **Powers and duties of supervisors.** The supervisors of the city of Salamanca shall have the same powers and duties as supervisors in the towns of Cattaraugus county, and shall be members of the board of supervisors of the county of Cattaraugus. They shall receive the same compensation allowed by law, in the same manner as supervisors of towns, except fees for copying assessment-rolls and extending taxes, which last mentioned fees shall be paid to the city clerk for the use of the city. The supervisors elected, appointed or qualified under this act shall be recognized by the board of supervisors of Cattaraugus county and be allowed to take their seats as members of said board and

participate in all the deliberations and proceedings of said board during their term of office, and each of the wards of said city shall at all times be entitled to the same representation as the towns of Cattaraugus county. Other than as provided by this act their term of office shall begin on the first day of January next after their election. They shall also discharge all other duties imposed upon them by this act. Each of said wards of said city shall be regarded as a town of Cattaraugus county for the purpose specified in title three, chapter ten, article second of the code of civil procedure respecting the selection, drawing and procuring the allowance of trial jurors. The supervisors of each ward respectively and the city clerk and assessor of said city shall perform in said ward the duties prescribed in said article. A duplicate of each list of jurors selected by them respectively shall be filed in the office of the clerk of said city, which shall be deemed a town clerk's office for that purpose. The supervisors and the clerk and assessors of said city shall meet in the clerk's office at the time provided by law, and proceed to discharge the duties imposed upon them by the code of civil procedure as aforesaid, and by this act; and the list made by them, each supervisor acting for the ward only in which he was elected, shall constitute the list of persons to serve as trial jurors for the ensuing three years. The supervisors elected under this act and the clerk and assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required of them.

**§ 38. Powers and duties of other city officers.** The powers and duties of all other city officers shall be such as are hereafter prescribed in this act, or when not so prescribed, as provided by existing general laws applicable to such officers.

**§ 39. Payments of money must be made from and into the general fund when not otherwise provided.** Other than as herein provided all moneys belonging to said city shall be paid to the comptroller thereof and deposited to the credit of the general city fund; and all payment of money made by said city or by any board or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general city fund, but nothing in this act shall be construed as limiting, modifying or repealing any provision of any general law.



## TITLE IV.

## THE COMMON COUNCIL.

- Section 40.** Organization and procedure of the common council.
- 41. Mayor's approval or veto.
  - 42. Time of taking effect of resolutions and ordinances.
  - 43. Maximum amount of annual city tax levy.
  - 44. Annual reports and estimates by boards and officers.
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  - 49. Control of finances and property; ordinances, rules and regulations of the common council.
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  - 54. Rules and regulations for transaction of city business.
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  - 56. Hearings.
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§ 40. Organization and procedure of the common council. The mayor and the aldermen of said city shall constitute the common council thereof. At all meetings of the common council each alderman present shall have one vote. The mayor, when present, shall preside at all meetings of the common council, and shall be counted as a member thereof solely to constitute a quorum, but he shall have no vote except in case of a tie. At the first meeting of the common council in each official year or as soon thereafter as practicable, the common council shall choose one of the aldermen to be temporary president, who shall during such official year be the presiding officer of the common council in the absence of the mayor, and while the mayor is absent from the city or unable to perform his duties, said presiding officer shall be acting mayor, and have all the powers and duties, and be subject to all the obligations and liabilities of the mayor. The acting mayor of the common council shall not lose his vote as alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman, he shall have



no casting vote on a tie. The common council shall hold regular or stated meetings at least twice a month and at such other times as they shall by resolution designate. The mayor, or in his absence, the acting mayor, or any three aldermen may call special meetings by notice in writing, served personally upon the other members of the council, or left at their usual place of abode. The common council shall determine the rules of its own proceedings not inconsistent with the provisions of this act. The attendance of absent members may be compelled by the common council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the chief of police or any police officer of the city to arrest such absent member and fetch him before the common council at the meeting at which such member was absent or the next, or some subsequent meeting of the common council, to answer for his neglect. A majority of the common council, including the mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by a tax or assessment shall pass unless it receive the assent of a majority of all the aldermen in office, and other than as provided in this act. The ayes and noes shall be called and recorded on all resolutions and appointments. All meetings of the common council shall be public, except when the public interests require secrecy; but no vote shall be taken in secret or executive session.

§ 41. **Mayor's approval or veto.** Every resolution or ordinance of the common council, except rules for its own government and resolutions for the appointment of officers, shall, before it takes effect, be presented forthwith by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after receipt thereof by him and file it so signed with the city clerk. If the mayor does not approve it, he shall, within ten days after receipt thereof by him, return it to the city clerk with his objections thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect, unless the common council shall thereafter reconsider it and pass it over the mayor's veto by the concurring vote of at least two-thirds of the

total number of aldermen in office, which vote shall be taken by ayes and noes, and entered on the minutes, together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall, at the expiration of such ten days, have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contains one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force or effect unless such items be reconsidered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect or be deemed to have been enacted by the common council, unless either it be approved by the mayor or be not returned by the mayor to the city clerk within ten days after the receipt thereof by him, or unless it be passed over the mayor's veto in pursuance of the provisions of this section, unless otherwise provided by this act.

§ 42. **Time of taking effect of resolutions and ordinances.** Any resolutions or ordinances enacted by the common council may specify the time when it shall take effect, but no ordinance shall take effect until after its publication at least once in the official newspaper of the city, provided such there be, notwithstanding the specifications therein of a previous time for its taking effect, unless a copy of the same, certified by the city clerk, shall be served personally when the same shall be effective against the person so served. If no time be specified in any ordinance so enacted for its taking effect, it shall take effect immediately, except if there be an official newspaper of the city at the time, it shall take effect only after its publication once in such official newspaper. If no time be specified in any such resolution or ordinance for its taking effect, or if it specify that it take effect immediately, it shall take effect on its approval by the mayor; if he approves it, or, if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect at the beginning of the eleventh day after such receipt thereof by the mayor; or, if he returns it with his disapproval and it be passed over his veto, it shall take effect at the time of its passage over his veto.

§ 43. **Maximum amount of annual city tax levy.** The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts, which shall be estimated and designated each year for the following purposes:

1. For the payment of the expenses of the police department and station house, including the salary of the city judge, compensation of the acting city judge and the salaries of the officers of said department, to be designated the police fund.

2. For paving, repairing, macadamizing, and keeping in order the streets, sidewalks, crosswalks, gutters, lanes, public buildings, places and grounds of said city, for defraying the expenses of constructing, repairing and keeping in order the sewers, for the service of city engineer, the superintendent of public works and his assistants and employees, the erection and maintenance of bridges and culverts and other expenses relating to streets and highways, to be designated the public works fund.

3. A sum necessary for constructing, maintaining, repairing, beautifying and acquiring parks, playgrounds and public markets, to be designated as the park fund.

4. A sum necessary for defraying the expenses of supplying and keeping in good condition and repair the engine houses, hose, hose carts, hook and ladder carts, fire alarm telegraph and other apparatus deemed necessary for the extinguishment of fires, and for paying the salaries and wages of officers and employees of the fire department, to be designated the fire fund.

5. A sum necessary for the payment of the expenses of department of charities, including the salary of the commissioner of charities, to be designated the poor fund.

6. A sum necessary for the purposes and uses of the board of education, to be designated the school fund.

7. A sum necessary for extending, repairing, maintaining, acquiring and constructing the lighting system of said city, including expenses of all necessary apparatus and fixtures connected therewith, including the service of the superintendent of light, his assistants, and employees, to be designated as the light fund.

8. A sum necessary for extending, repairing, maintaining, acquiring and constructing the water system of said city, including the expense of purchasing lands, easements and rights of way incident thereto and expenses of all necessary apparatus and fixtures connected therewith, including the service of the superintendent of water, his assistants and employees, together with all necessary

expenses connected with furnishing water for the extinguishing of fire, to be designated as the water fund.

9. A sum necessary for defraying general and contingent expenses, for the payment of all salaries and other expenses not otherwise provided for, to be designated as the general city fund. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall be included such amounts as shall be necessary to meet the principal and the interest on the bonded and other indebtedness of the city falling due during the fiscal year for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at a regular city election, or at a special city election called for the purpose, and also for such other sums as the common council is authorized to expend for purposes specified in this act.

§ 44. **Annual reports and estimates by boards and officers.** Between the first and fifteenth days of November in each year the board of public works, the board of water and light commissioners, the board of park commissioners, the board of fire commissioners, the board of police commissioners, the board of health, the commissioner of charities, and the commissioners of education shall estimate in detail the expenses and income of their respective departments for the next fiscal year and shall certify such estimates to the common council. The police board shall also include in its report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year from excise taxes. The city judge shall present an estimate of the amount of fines and penalties that, in his judgment, will probably be received by the city judge during the next fiscal year. The city clerk shall also make a detailed statement by items of all the expenses of the city as estimated by him for the next fiscal year. The city clerk in his report shall also make a statement in detail of all judgments against the city then remaining, and an itemized statement of the principal and interest of all bonded and other indebtedness of the city that will fall due during the next fiscal year. The comptroller shall present a statement to said common council of all unpaid taxes and local assessments theretofore assessed and remaining unpaid. The city comptroller in his report shall also make a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid and the amount which, in his judgment,

will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city and chargeable to the property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received by the city during the next fiscal year from that source. The common council shall cause such estimates and statements to be published in the official newspaper of the city during the next week after its last regular meeting in the month of November. At that meeting or at any subsequent meeting of the common council of said city to be had, not later than the fifteenth day of the month of December next following, it shall revise such estimates, except that of the commissioners of education, and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Said common council may by a vote of two-thirds of its members approve or reduce, but shall not increase, any of the estimates of the various boards aforesaid, except those of the commissioners of education, and shall immediately levy the aggregate amount taxed, ascertained and determined together with any special tax which shall have been voted to be raised with the annual tax levy.

§ 45. **Financial reports.** Each of the officers and boards specified in the last section otherwise than as provided in this act shall, at the close of the fiscal year, make a written report to the common council of all expenditures made or incurred by said officers or said board during such year, showing separately and by items the amount expended from each fund which may be drawn on by such board, and the balance standing to the credit of each such fund. All officers and boards receiving any money, other than that raised by taxation, shall in such report make an itemized statement of the same received by them, specifying the date of such receipt, the amount thereof, and the person by whom the same was paid.

§ 46. **Subdivision of funds.** The common council shall subdivide the funds of the city, as established by this act, and the city comptroller shall re-state his accounts of the funds so subdivided accordingly.

§ 47. **The general legislative powers.** The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in other city boards or officers, shall be vested in the common council. The common council shall furnish the officers of the city with necessary office room, office furniture,

books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; may require any officer of the city to furnish reports, information, or estimates whenever deemed proper by the council; may employ a pound keeper, a sealer of weights and measures, and such other employees of the city as may be necessary to execute the work which the common council is authorized and required to cause to be executed, and may fix their compensation.

**§ 48. Improvements and removal of nuisances at expense of owner.** The board of health of the city of Salamanca is hereby authorized and empowered, with the approval of a majority of the common council, to enter into a contract for the collection of ashes and garbage, which shall be let to the lowest responsible bidder, but such bids may all be rejected and new bids asked for, if not deemed in the interest of the city. Notice of time and place when such bids will be received shall be published in the official papers. The board of health shall have the further power to pass resolutions and ordinances governing such collection. The cost of such garbage collection and disposal shall be borne by the city at large, and the common council of the city of Salamanca shall make due provision by tax for the payment of same.

**§ 49. Control of finances and property; ordinances, rules and regulations of the common council.** The common council shall exercise all the corporate powers conferred by this act, shall have the management and control of the finances and of all the property, real and personal, belonging to said corporation, other than as provided in this act, and shall have power within said city to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and by-laws for any of the purposes heretofore specified in this act, and shall have power to regulate, license, or in a proper case to prohibit, any of the following acts, vocations and businesses:

1. Hackmen, cartmen, draymen, the owners and drivers of conveyances of persons or property for hire.

2. Billiard and pool rooms, bowling alleys, skating rinks, dancing halls, playhouses, circuses, side-shows, exhibitions of legerdemain, curios, chance or skill, and all other places of amusement or entertainment for which an admission fee or other income or profit, direct or indirect, is received.



3. Auction stores, pawn-shops, auction sales, hawking, peddling and sales in said city; and house-to-house peddling, sales, or solicitation of orders, except the peddling of fruits, agricultural products, meats and fish.

4. The conveying, keeping, storing, use or sale of gunpowder, fireworks, firecrackers, torpedoes, gasoline, dynamite, nitroglycerine or other combustible or explosive substance or compounds.

5. Slaughter-houses, storage plants, garages, markets, wagons, and stores, for the sale of fish, milk, meats, hides, fruits, or vegetables.

6. Bill-posting; the erecting and maintaining of sign boards or bill-boards; the distributing, posting or circulating of handbills, posters, or other printed or written matter, in or about the streets or public places of said city.

7. The keeping of dogs, and of any dangerous animals or reptiles.

8. Any other business, act or vocation, the prohibition, regulation or licensing of which is proper for the preservation of public health, safety, or good morals.

9. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

10. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables and all instruments and devices employed in gaming; to regulate or restrain pool and billiard playing by minors in public places, and the playing of games of chance by minors in public places; to restrain and punish street beggars, vagrants and mendicants; to regulate and restrain all occupants and business noxious to public comfort.

11. To determine the existence, and direct the removal of a public nuisance in any part of the city; and if the same be not removed within such time as the common council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot, and to enforce the collection thereof by leasing or selling the premises, in the manner provided in this act for the collection of taxes or assessments, or by action against the owners of the lot, or any other persons who may have erected, suffered, or maintained such nuisance; and in case of the non-removal or abatement of any nuisance, the common council may impose a penalty therefor and enforce the collection thereof, as prescribed by this act.

12. To prevent horse-racing, immoderate driving of horses or



motor vehicles or cycles in the streets of said city, to prohibit and punish every game, practice and amusement, in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

13. To prevent or regulate coasting or bicycle riding in the city.

14. To establish and build and regulate public pounds, station-houses and lock-ups within said city.

15. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings.

16. To prevent or regulate the unnecessary blowing of whistles and the ringing and tolling of bells, blowing of horns, or crying of goods or wares, firing of guns, powder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, and the sale of fire-crackers, rockets, squibs, or other explosive compounds.

17. To regulate the holding of grade crossings by and the speed of running of trains or cars in said city, and to regulate runners, stage drivers and others, in soliciting passengers and others for any stage, omnibus, hotel, or otherwise.

18. To compel, direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction of such trees; and to prevent the injury or defacement of fences, posts and buildings in said city.

19. To permit building material to be deposited on the street in front of any lot, to such extent and for such time as it may prescribe.

20. To ascertain the boundaries of the city and of all streets, alleys and highways therein, to give names to streets, and numbers to lots and tenements, and to change the same in its discretion. All expenses incurred by virtue of this section shall be levied and collected from all the property embraced within the corporation tax district at the same time, and in the same manner as other general city taxes are levied and raised.

21. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.

22. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same, and to carry into effect all lawful resolutions adopted at any of said meetings or any regular or special elections.

23. The common council may, at any time, issue bonds or certificates of indebtedness for the payment of a judgment that has heretofore been recovered against the villages of Salamanca and West Salamanca, and as much thereof as may be apportioned to said city as provided in this act, or that may be recovered against the city after its creation. The issuance of such bonds or certificates of indebtedness shall in all respects be subject to the same conditions and limitations as are the issuance of other city bonds or certificates of indebtedness elsewhere provided for in this act.

24. Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, or upon the presentation to the common council of a petition signed by at least fifty electors of the city qualified to vote upon a proposition, setting forth the same, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate for at least twice, once in each week, in the official newspaper, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax. All provisions of law prescribing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special election held hereunder. Every taxpayer, who shall have been assessed and taxed upon the last assessment-roll of the city before said special election, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof, and be in the form required by the election law for voting upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the morning until four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a suita-

ble ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are a taxpayer of the city of Salamanca and that you have not voted at this election?" After he shall take such oath and if he shall be assessed upon the assessment-roll aforesaid, his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the said election thus certified to be entered in the minutes. The common council shall issue bonds or other evidence of indebtedness in such form as it may prescribe for the whole amount so voted or any part thereof, at an annual rate of interest not exceeding five per centum and shall sell such bonds in such manner as it may decree best, at not less than par value, and shall provide for the payment of such bonds in such sums and at such times as it may deem for the best interests of the city. No more than one such election in the city shall be held in any one year, except by the two-thirds vote of the common council. Or if the proposition should be resolved by the common council or presented by petition as heretofore provided within sixty days of the annual election, then the same shall not be submitted to the electors of the said city until the annual election. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax.

25. Fire limits. The common council or the board of fire commissioners, when created in the city of Salamanca, is hereby given the power and authority to fix the fire limits within said

city by resolution, which shall be filed in the office of the city clerk and become a public document open to inspection at all times during the office hours of the said city clerk.

26. Building code; permits; penalties. The common council or the board of fire commissioners when created in the city of Salamanca, is hereby authorized and empowered to determine and establish by ordinance and amendments thereto a building code regulating the construction, material and position of buildings proposed to be erected or repaired within the city limits; to issue permits to construct or repair buildings in accordance therewith; to employ at a salary to be fixed by said board, subject to the approval of the common council, any and all necessary employees to enforce the provisions of said building code; to compel the owner or owners of all public buildings, such as churches, hotels, school-houses, factories and all places of amusement or entertainment and places where public gatherings are held, to provide the same with complete, sufficient, approved and effectual fire escapes and means of exit, and to provide that any person, firm or corporation violating any of the provisions of such ordinance or ordinances above described, shall be guilty of a misdemeanor and be liable to a penalty not exceeding fifty dollars, and for a continuance of such violation to an additional penalty not exceeding ten dollars per day.

27. Sanitary code, provision for. The board of health of the city of Salamanca is hereby authorized and empowered to adopt a sanitary code in and for said city; said code may be adopted by said board of health by a majority vote at any regular meeting thereof. Said code when adopted shall be published in said city, and the publication of such code in the manner aforesaid, and of any additional provisions, modifications or amendments thereafter adopted by such board, shall be sufficient and shall render any further publication of the same unnecessary. Such board of health may at any regular meeting after the adoption of said sanitary code amend, modify or make additional provisions thereto by a majority vote of such board of health. Such sanitary code, when adopted and published as aforesaid, and any and all additional provisions, amendments and modifications when so published shall have full force and effect within the limits of said city. Said sanitary code and any and all amendments, modifications and additional provisions shall contain a provision stating the time when the same shall go into effect, which shall be at least

three weeks from the day of such publication. The violation by any person or corporation of any of the provisions of such sanitary code is hereby declared a misdemeanor and shall be punishable by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment. This act shall not affect any subject not embraced within such code, and the punishment of any offenses or violations upon any subject not embraced in said sanitary code shall be punishable as otherwise provided by law.

§ 50. **Violation of ordinances.** Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly conduct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act and be also made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitute either a misdemeanor or disorderly conduct, and also render a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or misdemeanor on account of such conduct shall be a bar to the recovery of the penalty in the civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or the disorderly conduct on account of such violation. If the conduct shall constitute a violation of an ordinance enacted by the common council of the city in pursuance of this act and also a violation of an ordinance of the board of health of the city enacted in pursuance of law, such ordinance of the board of health shall so long as it remains in force and effect supersede and nullify such ordinance of the common council. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 51. **Licensing occupations.** If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the common council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may

be charged therefor in the discretion of the mayor. All applications for such licenses shall be made to the mayor. The mayor may grant or refuse any such license in his discretion. If the mayor determine to grant such license, he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city comptroller for the amount specified in such order and receipt, and he shall issue such license accordingly. The city comptroller shall credit all fees so received by him to the general city fund. The clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor. Any license may be summarily revoked by the mayor or common council.

§ 52. **Official newspaper.** The common council shall, at its first meeting in each official year, or as soon thereafter as practicable, fix and determine the legal fee per folio or otherwise, at which all minutes of meetings, notices, by-laws, rules, ordinances and regulations and such reports and other matters as the common council may direct, to be published in the official newspapers of the city, and thereupon shall designate two newspapers published in said city that fairly represent the two principal political parties into which the people of the city are divided, in which papers all such matters as aforesaid specified shall be published at the fees so prescribed, provided there are two such newspapers published in the city, otherwise designation of one shall be sufficient for all the purposes in this act. The newspapers so designated shall be the official newspapers of the city for the ensuing official year for the purposes aforesaid and until the next annual designation, provided said newspapers shall agree, with said common council, to make the aforesaid publications at the fees prescribed by the common council. The affidavit of the publisher or proprietor of an official newspaper, or of the bookkeeper or foreman in charge of the publication of said newspaper, shall be presumptive evidence of the fact of such publication.

§ 53. **Officers not to be interested in contracts or purchases.** It shall not be lawful for the mayor, or any member of the common council, or any member of any of the municipal boards of said city or any superintendent, or any clerk, agent or employee of said city, employed by any of the municipal boards therein (beyond the compensation which such superintendent or clerk, agent or employee may be justly entitled to for services by him actually rendered) to be voluntarily interested, directly or indirectly, in



any contract or work made, or done by, for or on behalf of said city, or any municipal board therein; nor shall any such person be voluntarily interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements, for any of the uses or purposes of said city, nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof, any commissions, divisions, discounts, gift or moiety. It shall not be lawful for any of the municipal boards of said city to audit any account or issue any warrant for the payment of any claim for services rendered, or for work, labor or materials furnished by any person during the time such person shall have held the office of mayor, alderman, or member of any of the municipal boards of said city. A violation of any of the provisions of this section is hereby declared to be a misdemeanor.

§ 54. **Rules and regulations for transaction of city business.** The common council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of the business of the city by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act and general laws.

§ 55. **Franchises.** No person or corporation shall erect any pole or string any wire along, in, or over any street, bridge, or sidewalk, or along, in, or over any land owned by said city; or lay any track or any additional track in or upon such street or bridge, or on any land owned by the city; or erect any sign board, post, pillar or other obstruction in, upon, or over any such street, bridge, or sidewalk, or upon any land owned by the city; unless a franchise or permit therefor shall be hereafter granted by the common council of said city; and it is made the duty of the mayor and chief of police summarily to remove any pole, wire, track, post, or sign-board, erected in violation of this provision. No franchise shall be granted hereafter for a period exceeding fifty years, and any such franchise shall specifically prohibit any sublease, assignment or other transfer of all or part of the rights obtained under such franchise, without the consent of the common council. A grant of any franchise by said council shall not become valid and take effect unless made as aforesaid and no grant of a new franchise, or for the extension of a franchise now existing, shall become valid without a three-fourths vote of all the members of the common council, unless approved by a majority vote of the taxpayers taking part in a special election called for the purpose



of voting on such franchise grant. In no case shall extension of any franchise now existing in the city be granted for any period of time beyond the limitation of the original grant of said franchise.

§ 56. **Hearings.** Upon written complaint by any twenty-five taxpayers that any person or persons, corporation or corporations, operating under a license or franchise granted by the city are not complying with the provisions of such grant, the ordinances of the city, or the laws of the state, the common council is authorized to conduct a full investigation and public hearing as to the conduct of such persons or corporations under such grant.

§ 57. **Hospital board.** The common council may empower and create, and the mayor thereupon shall appoint, a board of hospital commissioners, not more than six in number, of which the mayor shall be ex officio a member and the president, to take charge of any real estate, moneys, or other property which may be acquired by the city for municipal hospitals, and the council is empowered to fix the duties and qualifications and prescribe the powers of such board.

## TITLE V.

### DEPARTMENT OF PUBLIC WORKS, LOCAL IMPROVEMENTS, STREETS, HIGHWAYS, CONSTRUCTION OF SEWERS, PAVING OF STREETS, AND CONSTRUCTION OF SIDEWALKS.

#### Section 58. Powers of common council.

59. Organization.

60. Powers and duties of board.

61. Duties of superintendent of public works.

62. Opening, altering and extending streets, assessment of benefits and payment.

63. To acquire privileges to dispose of stagnant or surface water.

64. Sewer extension and issuing bonds therefor; rights for construction and maintenance of sewers.

65. Paving, repaving or macadamizing.

66. Establishing of grade, et cetera.

67. Change of grade of streets, et cetera.

68. Sidewalks, construction and repair thereof; assessment of expenses, et cetera.

69. Cleaning sidewalks and gutters of snow and ice.

- 70. Street cleaning and repairing.
- 71. Work may be done by contract.
- 72. Guardian ad litem for infant defendants.
- 73. Taxes and assessments under this title, lien of.
- 74. Street sprinkling.
- 75. Appropriation of moneys.

§ 58. **Powers of common council.** The mayor and common council of the city of Salamanca shall exercise all the powers and duties conferred by this title upon the board of public works until such time as the common council shall create a separate board of public works as hereinafter provided.

§ 59. **Organization.** The members of the board of public works appointed as hereinbefore provided shall constitute the board of public works. They shall within the first week of February in each year organize by the election of one of their members as president for the ensuing year. At any meeting of the board a majority shall constitute a quorum.

§ 60. **Powers and duties of board.** The board of public works shall be commissioners of highways in and for the said city, and shall have all the powers and perform all the duties of commissioner of highways in towns, other than as provided in this act. The said board is vested with the charge, management, control and maintenance of all bridges, which are not a state charge, streets and sidewalks within the city, of the sewers and of all buildings and structures appurtenant thereto, and of all machinery, tools, appliances and materials used in connection therewith. The board of public works shall have power:

1. To appoint an engineer and superintendent of public works, which engineer and superintendent shall be responsible to the board of public works.

2. To employ all servants, including clerks and laborers, and fix the compensation of all servants so employed by them.

3. To make rules and regulations for its own government and for the government of the superintendent of public works, city engineer and all servants of the board of public works and prescribe their duties.

4. To make all contracts relating to construction, paving and repairs of the streets, sidewalks and sewers, and the cleaning of the streets, sprinkling and the removal of dirt therefrom, the grading, paving and repaving and macadamizing and remacadamizing of all streets, public places and public squares, and laying

and extending of sewers and the provision of all materials, machinery, implements and utensils necessary therefor.

5. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve highways, streets, lanes, alleys, sidewalks, sewers, gutters, drains, aqueducts, crosswalks, and alter, amend, widen, straighten and discontinue the same and to establish grades and levels therefor, and alter the same through any lands, buildings or inclosures in said city.

6. To cause to be made all necessary surveys, maps and profiles relating to any work within its jurisdiction.

§ 61. **Duties of superintendent of public works.** He shall be the executive officer of the board of public works, and shall, under its direction, have the general supervision and direction of all public works within the jurisdiction of the board. He shall have the supervision and direction of laying all sewer pipes from private dwellings or other places. Such sewers shall not be laid and connected until a permit therefor shall be obtained from the board of public works and all such sewers and the fixtures thereto shall be constructed under and according to the direction of the superintendent.

§ 62. **Opening, altering or extending streets, assessments of benefits and payment.** 1. Whenever the board of public works shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley or highway in said city, and the lands of any person or corporation, or any right or easement therein that will be necessary for such purpose; and whenever the board of public works shall intend to acquire lands, rights or easements therein for any other purpose mentioned in this act, it shall cause the same to be surveyed and monuments placed showing the line thereof, and a map to be made of the same, which shall be filed in the city clerk's office, showing upon such map the lots, tracts and parcels of land and rights or easements therein that are deemed necessary to be taken, and the commencement, course and termination of the street, lane, alley or highway proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose the board of public works and those acting under its direction shall have power to enter upon any grounds in said city. The board of public works, subject to the approval of the common council, shall then declare by resolution its intention to take and appropriate the said property for the proposed im-

provement, and thereafter it may purchase of the owner or owners thereof the land or right or easement therein deemed necessary, and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the city subject to the approval of the common council. In case the board of public works is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of this state, chapter twenty-three of the code of civil procedure and amendments thereto.

2. After such damages shall have been ascertained and determined, said common council shall declare a district of assessment therefor, and shall then direct the commissioners making the award to assess the amount awarded for damages, with the commissioners' fees, specifying the aggregate amount of the same, upon the property within such district of assessment. The commissioners shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner, and as near as may be, in proportion to the benefits received; such assessment shall be made in the same manner as other local assessments, except that such commissioners shall direct such part of said expenses to be assessed upon the city, and such part locally, as they shall deem just; the powers and duties of the commissioners shall be the same as those of assessors. When the assessment-roll shall be filed, the assessment may be appealed from in the same manner and the common council shall possess the same powers in reference thereto and proceed in the same manner, as on appeals from other local assessments.

3. Immediately after the final determination of all proceedings in which any award shall have been made, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each, respectively, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same, or be unknown, or nonresident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion to the county treasurer of the county of Cattaraugus and file therewith a statement of facts and circumstances in each case, and a transcript of the report of the commissioners relating

to the ascertainment of the amount so paid in. Upon such payment or tender, or payment to said treasurer being fully made, the fee of the land shall be vested in the city.

§ 63. **To acquire privileges to dispose of stagnant or surface water.** The board of public works shall on an order from the board of health approved by the common council have power to enter upon any lands or grounds in the city and appropriate such property for the purpose of conveying off any stagnant or surface water within and throughout the city, and thereafter said board of public works may purchase from the owner or owners thereof the land or right or easement, whenever deemed necessary, and make him or them such compensation as it shall judge reasonable and just upon receiving from such owner or owners a conveyance thereof to the city. In case the said board are unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of the state, proceeding in the same manner as obtaining lands for the street purposes elsewhere specified in this title.

§ 64. **Sewer extension and issuing bonds therefor; rights for construction and maintenance of sewers.** The board of public works of the city of Salamanca, by resolution or resolutions duly adopted by that board, may at any time or times, provided the common council of said city by resolution of said common council concur therein, decide that the public sewers of said city, including sewage disposal plants, shall be built and extended in and along any street or streets of said city to be therein specified pursuant to and in accordance with the sewer plans of said city, duly adopted, and approved by the state board of health, and on file in the city clerk's office in said city. And thereupon said board of public works may build and construct the same by contract therefor duly advertised and let to the lowest bidder in all things as provided in section twenty-four of the charter of said city, and thereupon upon the completion of such sewer, or extension thereof, it shall be the duty of the board of public works to certify the total cost and expense thereof, including all labor and materials therefor, cost of engineering, printing and all other necessary expenses connected therewith, or incidental thereto, including all interest on such sums of money as have been borrowed for such purpose, to the common council of said city, who shall thereupon

issue bonds therefor and deliver the same to the comptroller of said city for sale. Said bonds to bear interest at not more than five per centum per annum, interest payable annually or semi-annually, and be and become due by their terms, not more than thirty years from their date of issue, and be sold at public or competitive sale to the person or persons offering the lowest rate of interest therefor, but at not less than par and accrued interest, and when so issued each of said bonds shall contain a recital that they are issued in accordance with this act, and such recital shall be conclusive evidence in any court of the validity thereof, and of the regularity of their issue. Any premium received on a sale or sales thereof, and also any premium received on the refunding of any and all sewer bonds of said city, being bonds of said city issued for sewer construction, shall be placed to the credit of the board of public works of said city of Salamanca, to be used by said board in building extensions to said sewer system of said city, or in paying and retiring any outstanding sewer bonds of said city. The board of public works of said city, for the purposes herein specified, may, at any time after said board has determined to make such sewer extension or extensions, by resolution direct and authorize the comptroller of said city to borrow such sums of money therefor as said board shall determine necessary, prior to the issuing of bonds therefor by the common council as above provided, and thereupon the comptroller of said city shall borrow the same and said city shall be obligated therefor, and shall repay the same, with interest thereon out of the avails of the sale of said bonds therefor as above provided. The board of public works shall have power to acquire for and in the name of the city, by agreement or appraisal, in such manner as heretofore provided, and also in such manner as is authorized by the condemnation law of this state, code of civil procedure, title one, chapter twenty-three, any lands, easements, privileges, rights and estate necessary for the construction and maintenance of sewers or sewage disposal plants, and may also enter upon any lands or waters for the purpose of making necessary surveys, provided that, in all cases involving an expenditure of money, it shall have first submitted to the common council its estimate of the cost of such real estate and that the common council shall have approved the same and authorized the expenditures proposed, or that the same shall have been approved by the taxpayers at a special election. And on acquiring the same either by agreement or appraisal, or by con-



demnation proceedings, as hereinbefore provided, the said city of Salamanca shall be liable to pay therefor said agreed price, or appraisal value thereof.

§ 65. **Paving, repaving or macadamizing.** If the board of public works shall of its motion decide that any street or section of a street, ought to be paved, repaved or macadamized and the owners of more than one-half of the total of feet front, or more than one-half of the bona fide owners, of the property abutting upon the street upon which the improvement is to be made give consent thereto in writing, or if in place of said consents the common council shall by resolution vote unanimously to concur with the said board of public works that such improvement is expedient and necessary, the said board shall publish at least two weeks a notice in the official paper of said city, that at a time and place therein specified it will meet to make a final determination thereof. Such notice shall contain a brief description of the character, location and extent of proposed improvement. At such meeting of said board any person shall be entitled to be heard for and against such improvement.

1. **Expense of improvement.** The expenses of such aforesaid improvements as are made along and border upon and are contiguous and adjacent to any property owned by the city, including crosswalks and intersections of streets, and one-third of the remainder of such improvements, exclusive of the amount charged to any railroad company, shall be paid by the city at large from the general and special public works improvement fund; the balance of the expense of such improvements shall be paid and become a charge upon and shall be assessed against such real estate and real property abutting and bordering upon and contiguous and adjacent to the street or streets, alleys, public place or way or any part thereof and by and against any railroad company whose rails or tracks occupy any portion of that part of the street or other way or public place so improved; but no part of the expense of such improvements shall be assessed upon any lands not bordering upon or touching the part or parts of such street, or other way or public place upon which such improvements are made.

2. **Determination to make improvement and report to common council.** If the board shall finally determine to make the improvement it shall record an order therefor in its minutes, shall ascertain the whole cost thereof and shall apportion the same



upon all the real estate fronting upon said street, section of a street or public square then to be improved in proportion to the frontage of the respective lots and parcels thereof and in proportion to the benefit which each owner of said real property may be deemed to receive, first deducting the share thereof imposed upon the city and the share of any portion thereof which any street or other railroad company may be liable to pay for the pavement between its tracks and on each side of them. The word "pavement," as herein used, is intended to include curbs and gutters. The board of public works shall report such apportionment and the amount for which such railway company shall be liable and a list of all the lots and parcels of land liable to assessment with their respective frontage and a description thereof to the common council. After said common council shall have caused to be established the grade necessary for the paving in any manner of any street, alley or public place, or any part thereof, which it has determined to improve under the provision of this section, it shall give notice in writing to the owner or owners or persons interested in the lands which front or abut upon any such street, alley or public place as are above or below the grade thus established, to construct and maintain a retaining wall of suitable materials and in such manner as said common council may direct along such street, alley or public place in front of their respective land, and in case any such owner or owners or persons interested in said lands shall neglect or refuse to complete such retaining wall within such reasonable time as may be required by said common council, or shall neglect or refuse to keep said retaining wall in good repair and condition after its completion, said common council may cause said wall to be made and completed and maintained in good repair and condition after its completion, and the said cost and expense of building, completing and maintaining the same shall be by said common council assessed upon the property upon and in front of which said retaining wall was built, completed and maintained, and the amount thereof added by said common council to the next city assessment upon said property, and levied and collected in the ordinary way of levying and collecting taxes and expenditures in said city.

3. Assessment of costs. The common council shall assess upon any railway company liable to assessment hereunder its share of the costs of such improvements and the said assessment shall be collected in the same manner as other assessments are

collected by the comptroller as provided in this act. The common council shall assess the residue of such expenses upon all the real estate fronting upon said street or section of a street, public place or square as hereinbefore provided and shall make a just and equitable assessment of the amount so fixed by it against the said owners and occupants and upon such lands deemed to be benefited as herein provided, assessing each parcel as near as may be in proportion to the benefit which each owner of real property may be deemed to receive therefrom and shall thereupon cause a notice to be published in the official papers of said city, that the assessment-roll has been filed with the city clerk and that the common council would on a certain day and place to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said assessment. At the time and place named in said notice, or at any other time or place to which the common council may from time to time adjourn said hearing, any person interested may appear before the common council and apply to have said special assessment-roll altered or corrected as he may deem just. After hearing all such applications the common council may proceed to make such alterations and corrections in said special assessment-roll as it may deem just, and by resolution confirm the same; the said assessment shall thereupon be and become final and conclusive upon all parties interested. Within ten days after said assessment shall become final and conclusive upon all the parties interested, the said property owners against whom assessment has been made may pay the amounts so assessed to the city comptroller. At the expiration of said time for the purpose of providing funds for the payment of the costs and expenses of such improvements so remaining unpaid and the whole or any part thereof as shall be paid by said city as hereinbefore provided, said common council shall issue bonds or certificates of indebtedness of said city and thereby pledge the faith and credit of said city to the extent that said city is authorized by law to issue bonds and certificates of indebtedness, and which bonds or certificates of indebtedness shall bear interest at a rate not to exceed five per centum per annum, and shall be for such amounts and upon such terms as may be determined by said common council, but all of said bonds or certificates of indebtedness shall become due and payable within thirty years from the date thereof. Such bonds or certificates of indebtedness, when issued, shall be binding upon said city, and shall contain a

recital that they are issued pursuant to the provisions of the charter of said city, and such recital shall be conclusive evidence in any court of the validity thereof and of the regularity of their issue. Each of said bonds or certificates of indebtedness shall be signed by the mayor and countersigned by the clerk of said city, and they may be issued, in the discretion of said common council of said city, directly to pay for the improvements provided by this section, but if not so used, they shall be delivered, when issued, immediately to the comptroller of said city, and be by him sold, at public or private sale, to the person or persons offering the lowest rate of interest, but not for less than par and accrued interest, and the proceeds thereof shall be used in paying for such improvements provided for by this section, and as herein provided, and for no other purpose. All of said bonds or certificates of indebtedness shall be numbered consecutively, and a record thereof kept by the clerk of said city, and also by the comptroller of said city, of those which shall be delivered to him to be sold as before provided, showing the date, number, amount and date of maturity of each. All moneys derived from a sale of said bonds or certificates of indebtedness shall be kept by the comptroller of said city as a separate fund, and designated "the public works improvement fund," and all orders for the payment of any moneys from said fund shall be drawn directly upon said fund, and shall be signed by the president of the board of public works and countersigned by the clerk of the said city. If the proceeds derived from the sale of the bonds and certificates of indebtedness issued under the provisions of this section exceed the amount of the actual cost and expense of such improvements to be paid by said city at large as herein provided, such surplus of said funds shall be used to retire or pay off the bonds or certificates of indebtedness, or interest thereon, as the same shall become due and payable.

All improvements authorized by this section shall be advertised in the official newspaper of the city, for such time as the board of public works may direct, to be awarded to the lowest responsible bidder for the same, who shall furnish the security as hereinafter provided, unless the board of public works shall deem it for the best interests of the city and the adjacent and contiguous property owners, to reject all bids made; in which case if the expense thereof upon any one street shall exceed five hundred dollars, the said board shall readvertise in like manner until a satisfactory bid shall be received. But if the expense thereof

shall be five hundred dollars or less, and no satisfactory bid shall be received pursuant to said advertisement, or otherwise, the board of public works may cause such work to be done by the superintendent of public works under its supervision, but at an expense not to exceed the usual or ordinary cost of labor and material. No bid shall be accepted unless accompanied with such security in such amount and penalty and in such form as the board of public works may direct and approve, conditioned that the bidder will accept and execute a written contract with specifications, in case it shall be awarded to him. Said security shall be so given after proper specifications shall have been made and filed in the office of the city clerk and after notice for such bid has been published at least once in the official newspaper of the city. The advertisement for bids need not contain the specifications, but may refer to them as on file.

No paving, repairing, asphaltting or macadamizing shall be done in any street until the gas and water mains and sewers have been laid therein, and service and house connection pipes to the same laid in front of curb of each separate piece of property, at least to a point within the line of the curbing, in such manner as the board of public works shall prescribe. In case of neglect or refusal of the owner the common council is authorized to do such work and the actual expense thereof shall be assessed on the property benefited thereby the same as other local assessments.

§ 66. **Establishing of grade, et cetera.** The board of public works shall, within two years after the passage of this act, fix and establish the grade line of all streets, sidewalks, public places and squares in the city; shall cause to be prepared a map of the city, with necessary profiles, showing the boundaries, alignment and grade of all the streets, the grade line of all sidewalks, the boundaries and grades of all public places and squares, and the location of the sewers, and shall thereafter change and add to such map so as to make it conform to any alterations in said boundaries, grades and alignments made by such board, and show all extensions of the sewers that shall be made. Any map conforming substantially to the requirements of this section, made by the authorities of the villages of Salamanca and West Salamanca, or of any department thereof, shall be regarded as made hereunder, and may be used in place of, or as a part of, the map hereby required.

§ 67. **Change of grade of streets, et cetera.** If the grade of

any street, public place or square in which a street surface railroad is now, or shall hereafter be, operated, shall be changed, or if any such street shall be straightened, widened or altered, the railroad corporation operating such street surface railroad shall change its grade and line to conform to such alterations, if required so to do by the board of public works; but unless such railroad corporation shall be legally liable to pay the cost of such change of the grade and line of such railroad, such change shall be at the expense of the city.

§ 68. **Sidewalks, construction and repair thereof; assessment of expenses, et cetera.** The board of public works shall construct and repair all crosswalks upon the streets in the city, and shall construct and repair all sidewalks within the streets of said city wholly at the expense of the city of Salamanca, and whenever the owner or occupant of lands adjoining a street shall, with the consent of the common council, construct along said street a sidewalk, to be approved by the said common council as to material and width, the said common council shall have the power to refund to such owner or occupant the actual cost of said sidewalk.

§ 69. **Cleaning sidewalks and gutters of snow and ice.** It shall be the duty of every owner or occupant of every lot or piece of land to keep the sidewalks adjoining his lot or piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner or occupant to remove new ice and freshly fallen snow from such sidewalk before twelve o'clock of every day and to keep the same so cleaned and removed at all times. In case such owner or occupant shall neglect or refuse to clean said sidewalk within such time, he may be subject to such fine or penalty therefor as shall be prescribed by the board of public works, and in addition thereto the superintendent of public works in such case may proceed to clean the same without notice to such owner or occupant.

§ 70. **Street cleaning and repairing.** The board of public works shall have power to cause the streets, lanes, alleys, highways and public grounds and places of said city to be cleaned and repaired from time to time and the expense thereof shall be paid by the city.

§ 71. **Work may be done by contract.** Except as herein otherwise provided, all work within the purview of this title may, in the discretion of the board of public works, be done by contract, to be let to the lowest bidder under the regulations and limitations

prescribed in section sixty-five of this title in reference to the paving of streets.

§ 72. **Guardian ad litem for infant defendants.** Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title, the county court of Cattaraugus county or the supreme court shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 73. **Taxes and assessments under this title, lien of.** Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed, for ten years from the filing of such assessment-roll, superior to any mortgage, judgment or other lien of any nature, except general city and school taxes, affecting the same and shall have priority thereto, or to any conveyance thereon, upon notice to lienor or subsequent grantee.

§ 74. **Street sprinkling.** The board of public works shall have the power to cause any street in said city, or any portion thereof, to be sprinkled in such manner and at such times and seasons of the year as may be deemed advisable by the board, and assess the expense thereof to the owners or occupants of the property assessed upon each side of the street or portion thereof as shall have been benefited thereby, according to the number of feet frontage or in such other manner as may be equitable. Such apportionment shall be made by the board of public works and certified by it to the common council and reviewed by said common council after the publication of one insertion in the official newspapers of the city of an official notice of a time and place, when and where said common council will hold such review, which shall be not less than five days after the publication of such notice. The common council shall thereupon assess the same. All such assessments shall constitute a lien upon the lands and premises thus benefited and be levied and collected in the manner provided for the collection of taxes.

§ 75. **Appropriation of moneys.** All moneys in the hands of the treasurers of the villages of Salamanca and West Salamanca, which have been raised or provided for street purposes under the village law, and unexpended when this act takes effect, are hereby appropriated for the purposes provided in this section.



## TITLE VI.

## DEPARTMENT OF WATER AND LIGHT.

**Section 76. Organization.**

- 77. Powers and duties of the board.
- 78. Duties of superintendent of water and light.
- 79. Water and light rents.
- 80. Furnishing water and light to towns and villages.
- 81. Acquisition of existing system.
- 82. Books, accounts and reports.
- 83. Appropriation of moneys.
- 84. Unlawful acts and penalties.

§ 76: **Organization.** The members of the board of water and light commissioners shall constitute the board of water and light commissioners. A majority of all the commissioners shall constitute a quorum for the transaction of business. The city clerk shall at all times, without additional compensation, act as secretary to said board, and it shall be his duty to keep a record of its proceedings in a book kept for that purpose, and to do all such clerical work as such board shall, from time to time, prescribe. Said board may make, and, from time to time, alter or amend by-laws, rules and regulations for the transaction of its business, and prescribe times and places for regular meetings, and the method of holding and calling special meetings, and prescribe the character of business that may be transacted thereat.

§ 77. **Powers and duties of the board.** The municipal water and light works of the city of Salamanca shall be under the control and supervision of the board of water and light commissioners. Neither the common council of said city, nor the board of water and light commissioners, shall have power or authority to sell or lease said municipal water and light system to any person or persons, corporation or corporations except when authorized by a vote of the resident taxpayers of the city at a special election. The board shall keep it in repair, and may from time to time improve and extend said water and light system within said city and within the towns of Salamanca and Great Valley. The surplus earnings of said water and light system, after the cost of operation, management, maintenance, and ordinary improvements have been paid and the payment of accrued interest upon out-



standing water and light bonds heretofore issued or which may hereafter be issued by said city, and after the requirements of the sinking fund have been fully met, may, in the discretion of the board of water and light commissioners, be applied toward improving and extending said water and light plant. If such surplus earnings of said water and light plant are insufficient to make such improvements and extensions, then said board of water and light commissioners shall not expend during any year for such improvements and extensions more than five thousand dollars. If the sum to be expended exceeds the surplus earnings by more than the sum of five thousand dollars, such expenditure can only be made when authorized by a vote of the resident taxpayers of the city at a special election. Upon the recommendation in writing of the board of water and light commissioners approved by the common council, and when authorized by a vote of the resident taxpayers of the city at a special election, bonds of the city may be issued from time to time for extending said water and light system. The board of water and light commissioners shall have control of all improvements and additions to the water and light system and the extensions thereof. Said board shall have the power to make all contracts necessary or incidental to the execution of the powers conferred by this act. Any work of construction exceeding in cost two thousand dollars shall, before any contract is let or work done, be advertised by said board for bids, with the power to reject any and all bids received. A copy of each bid received and any contract entered into by the board shall be filed with the city clerk and be deemed public records. Said board of water and light commissioners shall have power to appoint and employ a superintendent of water and light, who shall perform such duties and receive such salary as the board may, by resolution, prescribe; and also to appoint and employ all servants necessary for the performance of the work done under the direction of the board, including laborers, and to fix the compensation of such servants and laborers so employed. The superintendent, and all employees handling money belonging to the city, shall give a bond in the form usual for city officers, in the penal sum prescribed by said board. The employees of the municipal water and lighting plant need not necessarily be residents of the city of Salamanca. The superintendent shall be deemed the head of a department. Said board of water and light commissioners shall have full control of said water and light system and everything pertaining thereto and shall exercise the powers and fulfill the duties connected with

the management and regulation thereof and of the use of water and electricity by said municipality or by any person or persons, firm or firms, corporation or corporations, and may enforce the observance thereof by cutting off the supply of water and electricity or by the imposition of penalties.

§ 78. **Duties of superintendent of water and light.** He shall be the executive officer of the board of water and light, and shall under its direction have the general supervision and direction of all water and light works within the jurisdiction of the board. He shall have the supervision and direction of laying all water mains, erecting poles, stringing electric wires, and laying of conduits from private dwellings or other places, and any connecting or lateral pipes, and keeping the same in repair; the expense of laying such lateral pipes and conduits and keeping the same in repair shall be paid by the owner or the occupant of the property. Such connecting or lateral pipes, or conduits shall not be laid and connected until a permit therefor shall be obtained from the water and light commission, and all such connecting or lateral pipes, and conduits and the fixtures thereto shall be constructed under and according to the direction of the superintendent.

§ 79. **Water and light rents.** The board of water and light commissioners shall establish a scale of rents for the use of water and light, to be called "water rents," and "light rents," respectively, and to be paid at such times as the board may prescribe; such rents shall be a lien upon the real property upon which the water and light is used. Said board may adopt ordinances, not inconsistent with the law and with this act, for the enforcement of the collection of water and light rents, and relating to the use of the water and light, and may enforce observance thereof by cutting off the supply of water and electricity or by the imposition of penalties.

§ 80. **Furnishing water and light to towns and villages.** The board of water and light commissioners may in their discretion contract with the town board of Salamanca or Great Valley, or both, to furnish water for the extinguishment of fires and for sanitary and other public purposes, and may contract therewith to furnish light for lighting the highways of said towns, and with any other person or persons for domestic consumption either of water or light.

§ 81. **Acquisition of existing system.** If a proposition be adopted for the acquisition of an existing private system of water works, or of an existing private lighting system, the water and

light commissioner may purchase the same at a price not exceeding the sum specified therein. If the board cannot agree with the owners of the system for its purchase, proceedings may be taken to acquire the same by condemnation. If the value thereof fixed by the commissioners appointed in the condemnation proceedings be greater than the sum specified in the proposition, such proceedings must be discontinued, unless the payment of the additional amount be authorized at a city election. If the proceedings be so discontinued, the costs and disbursements of the defendants therein are a charge against the city.

§ 82. **Books, accounts and reports.** The city comptroller shall keep the books of the water and light commission, showing in detail the cost of the maintenance of said water and light system, and of extending the same, and he shall make all of its collections and expenditures, and said board shall furnish, whenever required by the common council, such information in writing as to the business and affairs of said water and light system as may be required by the common council. The city comptroller is hereby required to pay each year into the general fund of the city a sum from the water and light fund sufficient to reimburse said city for keeping the books and accounts of said board.

§ 83. **Appropriation of moneys.** All moneys in the hands of the treasurers of the villages of Salamanca and West Salamanca, which have been raised or provided for water and light purposes either by collection of rents or otherwise, and unexpended when this act takes effect, are hereby appropriated for the purposes provided by this title.

§ 84. **Unlawful acts and penalties.** Any unlawful act whereby said water works or any property, apparatus or belongings pertaining thereto shall be injured, the supply of water obstructed, impaired or made less pure, shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly, and it shall also be a misdemeanor for any person or persons, corporation or corporations, to move, cut, remove, alter or in any manner interfere with the wires, poles, or any other equipment, belonging or appertaining to the light system, without first having obtained the consent in writing of the superintendent of water and light, and any unlawful act whereby the said light system or any property, appurtenances, or belongings pertaining thereto shall be injured or the supply of electricity obstructed, or impaired, shall be a misdemeanor and the person or persons convicted thereof shall be punished accordingly.

## TITLE VII.

## DEPARTMENT OF PARKS.

**Section 85. Organization.**

86. Powers and duties.

87. Acquisition of parks.

88. Poles, pipes and wires.

89. Unlawful acts.

90. Appropriation of moneys.

§ 85. **Organization.** The board of park commissioners shall be composed of three members. The city clerk shall act as secretary of said board, and keep a record of its proceedings. A majority of the board shall constitute a quorum. The board may by majority vote of all its members make, and, from time to time, alter or amend rules for the government of its transactions and proceedings.

§ 86. **Powers and duties.** The board of park commissioners shall have exclusive control, care and management of all the public parks, playgrounds and markets of said city, together with all property real and personal which is now owned, or may be hereafter acquired, by the city of Salamanca for park, playground and market purposes, also of any other public lands or places which may be placed under the control of said board by the common council. The board shall have power to lay out, improve, beautify and maintain the grounds under its jurisdiction, and to appoint and prescribe the duties, and fix the compensation of its employees as its funds permit, and to make rules and regulations for the government of such parks, playgrounds and markets, and the use thereof, and to fix and establish penalties for the violation of such rules and regulations. When submitted to the common council, approved by it and published in the manner prescribed by law, such rules and regulations shall have the force and effect of ordinances of the city of Salamanca.

§ 87. **Acquisition of parks.** The commissioners of parks, playgrounds and markets may on behalf of the city accept by grant or devise the gift of land for the purposes specified in this title, provided that said land is situated within said city or wholly within three miles of the boundaries thereof, subject to the approval of the common council, or may submit at a city election a proposition to purchase land so located for such purposes at

an expense specified in the proposition, specifying the maximum amount to be paid therefor, and the mode of raising such amount. If the proposition be adopted, the commissioners may purchase such land accordingly, or if unable to agree with the owners for the purchase thereof, may acquire title thereto by condemnation, but if the commissioners appointed in the condemnation proceedings fix the value of the land at a larger amount than authorized to be paid therefor by such election, the condemnation proceedings shall be abandoned, and the costs of the defendants shall be paid by the city unless the payment of such larger sum shall be authorized at a city election.

§ 88. **Poles, pipes, and wires.** No pipes or wires of any sort shall be laid or strung, or poles erected, through, under, or over any park, or other grounds under control of said board, without its consent in writing; and the board shall also designate the location of said pipes, poles, and wires. Said board shall cause the summary removal of any poles, wires, or pipes which may have been erected other than at the place or in the manner lawfully authorized by said board.

§ 89. **Unlawful acts.** Any unlawful act whereby the parks of the city, the buildings, trees, shrubbery, or other property belonging or appertaining thereto shall be injured, shall be a misdemeanor and the person or persons convicted of such act shall be punishable accordingly.

§ 90. **Appropriation of moneys.** All moneys in the hands of the treasurer of the village of Salamanca, which have been raised and provided for park purposes, and unexpended when this act takes effect, are hereby appropriated for the purposes provided by this section.

## TITLE VIII.

### BOARD OF FIRE COMMISSIONERS AND FIRE DEPARTMENT.

- Section 91. Control of department vested in board.
92. Chairman of board.
93. Meetings of board.
94. Approval of election of officers of department.
95. Duties of chief and assistant engineers.
96. Annual report to mayor and taxes for fire department purposes.
97. Audit of bills and report of fires and fire losses.
98. Rules for the department.

- 99. Charge and sale of property.
- 100. Appropriation of unexpended moneys.
- 101. Officers of present companies to serve out their term; exempt firemen.

§ 91. **Control of department vested in board.** The powers and duties connected with and incident to the control, government and discipline of the fire department of the city of Salamanca, except as herein otherwise provided, shall be vested in and exercised by the common council until such time as the board of fire commissioners shall be created.

§ 92. **Chairman of board.** The members of said board shall select one of their number as chairman of said board, who shall preside at the meetings when present, but who shall not lose his vote as commissioner by reason of his acting as presiding officer at any time.

§ 93. **Meetings of board.** Said board of fire commissioners shall hold meetings at least once in each month, and special meetings may be held on the call of the chairman or any two members of the board. The attendance of two commissioners shall be necessary to constitute a quorum. No meeting of the board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting, and no appointment or discharge of any such employee shall be made, except by the affirmative vote of a majority of all the commissioners.

§ 94. **Approval of election of officers of the department.** The chief engineer and his assistant shall be appointed by the fire commissioners. The election of the secretary and treasurer, of the fire department, shall be subject to the approval of the board of fire commissioners. In case the board of fire commissioners shall disapprove of such election, they shall order another election at such time and place as they may deem proper. Any officer of the fire department or any member thereof may be removed for cause by said board of fire commissioners.

§ 95. **Duty of chief and assistant engineers.** The chief engineer of the fire department shall, under the direction of the board of fire commissioners, have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires. It shall



be his duty to see that the same are kept in proper order, and to make report, in writing, to the board of fire commissioners at such times as the said commissioners may require. It shall be his further duty to be present at fires and to take command of the fire companies present, and exercise a general supervision and control of the operations and proceedings of the different companies present, and to give direction concerning the same. He shall also have power and discretion to suspend from duty any member of said fire department, and report the same to the board of fire commissioners for their action. Any member of the said fire department so suspended shall have an opportunity to be heard in his defense before said board of fire commissioners. It shall be the duty of the assistant engineer to be present and aid the chief engineer at all fires.

§ 96. **Annual report to mayor, and taxes for fire department purposes.** The said board of fire commissioners shall, on or before the fifteenth day of October in each year, prepare an estimate, which shall contain and include in detail all such sums of money (within the amount which the common council is authorized to insert in the annual tax levy under the provisions of this act) as in the judgment of said board of fire commissioners will be actually required for the salaries of all paid members of said department, the wages of employees, the purchase of hose, horses and apparatus, furniture, fuel, light, stationery, printing, advertising, necessary supplies and repairs and other incidental expenses of the fire department including the fire alarm telegraph and furnish the same to the mayor, as provided in this act. Whenever, in the judgment of said board of fire commissioners, the needs of the department shall require the purchase of real estate, or the expenditure for any purpose in any one year of a greater sum than that authorized by this act to be inserted by the common council in the annual tax levy, they shall likewise report the same in detail, to the mayor, in order that the necessary proceedings may be taken by the common council, if said report be acted upon favorably by said common council, to submit the question of raising such additional sum or sums by taxation to the taxable inhabitants of said city as provided by this act.

§ 97. **Audit of bills, and report of fires and fire losses.** All bills for expenditures and services connected with the said fire department must be audited and ordered paid by the board of fire commissioners, and paid by the comptroller as provided in this act.



The said board of fire commissioners shall, on or before the tenth day of January in each year, present to the common council of said city a report showing a complete inventory of all property under their charge, which report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said city during the preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also show the quality of hose which shall have been used, the names of all officers and members of said fire department and of the companies therein, and the names of all persons in the employ of said fire commissioners and the compensation paid to them, and a statement of all expenses paid or incurred in the fire department during the year, and such other information relating to the fire department as to said commissioners shall seem important.

§ 98. **Rules for the department.** The board of fire commissioners shall make such rules and regulations as it may deem best for its government, or the fire department, provided such rules and regulations shall not conflict with the laws of the state or of the United States.

§ 99. **Charge and sale of property.** The said board of fire commissioners shall have charge of all property now in use or hereafter to be acquired by the city of Salamanca for the purpose of extinguishing fires, including all the rooms for storing the same. The said board of fire commissioners shall also have power, by and with the approval of the common council of said city, to sell the same or any part thereof, except real estate, the proceeds of such sale to be forthwith paid over to the city comptroller and by him kept in a separate fund, the moneys of which may, by the said board of fire commissioners, be applied to the purchase of other apparatus or property, or for any other fire department purpose.

§ 100. **Appropriation of unexpended moneys.** All moneys in the hands of the treasurers of the villages of Salamanca and West Salamanca which have been raised or provided for fire department purposes and unexpended when this act shall take effect, are hereby appropriated for the purpose provided by this article.

§ 101. **Officers of present fire companies to serve out their term; exempt firemen.** The officers of each of the present fire companies of the villages of Salamanca and West Salamanca in office at the time this act takes effect shall continue in office until

the expiration of the terms for which they were elected or appointed. The members of each of said companies may, pursuant to rules to be prescribed by the board of fire commissioners and subject to the confirmation of said board, elect, expel or accept the resignation of any of the members and officers of said companies. Every member of any of the fire companies of said city, while such member, shall be exempt from serving in the militia, except in case of war, invasion and insurrection, and every person who shall serve in such fire department seven successive years shall thereafter be entitled to like exemption from military service, and a certificate of such service, authenticated by the mayor of the city, with the corporate seal attached, shall be presumptive evidence before all courts and officers, civil and military, of such exemption. The members of any of the fire companies of said village in service when this act takes effect shall be entitled to credit the term of their service in said companies of said villages in computing the number of years of service required by this act to secure the exemptions provided for in this section.

## TITLE IX.

### THE POLICE DEPARTMENT.

- Section 102. Board of police commissioners; organization.
- 103. Vacancies; how filled.
  - 104. Officers of police, patrolmen and special policemen.
  - 105. Qualifications of police.
  - 106. Duration of office of members of the police force.
  - 107. Vacancies in police force.
  - 108. Duties of chief of police or captain.
  - 109. Charges, trials thereon.
  - 110. Exemption from military and jury duty.
  - 111. Officer not to be delegate.
  - 112. Unlawful conduct at primaries, et cetera.
  - 113. Powers and duties of police.
  - 114. Service of criminal process.
  - 115. Expenses in execution of process.
  - 116. Presents or rewards.
  - 117. Payment of salaries and expenses.
  - 118. Appropriation of moneys.
  - 119. By-laws of police force.
  - 120. Station houses.
  - 121. Commitment to police-station; account of criminal expenses chargeable to county.

§ 102. **Board of police commissioners; organization.** The members of the board of fire commissioners shall, with the mayor, constitute the board of police commissioners of said city. The mayor shall be the president of said board; but shall have no vote therein, except in case of tie. In case of the mayor's absence from the city or his inability from any cause to attend any meeting of said board, the other members thereof shall choose one of their number chairman pro tempore, who shall have the same powers as the mayor therein and who shall not lose his vote thereby. The city clerk shall be the secretary of the board, shall keep a record of its proceedings and shall have the custody of all books and papers belonging to said board. Said books and papers shall, at all times, be open to the inspection of each member of the board.

§ 103. **Vacancies, how filled.** In case any vacancy shall occur in the office of police commissioner of said city, such vacancy shall be filled for the unexpired term by the common council in the manner provided in this act for the original appointment. The resignation from office of any police commissioner shall be made to the common council of said city and shall be subject to its acceptance.

§ 104. **Officers of police, patrolmen and special policemen.** The said board of police commissioners shall, within ten days after their appointment, organize as the board of police commissioners. The permanent police force of the village of Salamanca shall, as to its component parts, remain as now constituted until the same shall be reorganized by the action of the common council pursuant to the authority vested in it by this act. Upon the application of any corporation, society, person or persons showing the necessity therefor, the said board of police commissioners may, whenever deemed expedient, appoint and swear in special policemen, not exceeding the number so applied for, who shall serve for a time not exceeding that stated in the application, but the compensation of such special policemen, which shall be fixed by the board, shall be paid by the corporation, society, person or persons requesting their appointment. Said special policemen may be removed at any time by the said board, without cause assigned therefor, and notice of such removal shall be forthwith given to the corporation, society, person or persons who applied for their appointment as aforesaid; such board may also, upon any emergency, or for any special purpose, appoint special policemen at a compensation to be fixed by the board.

§ 105. **Qualification of police.** No person shall ever be appointed a chief of police, sergeant, patrolman or special policeman by said board, or shall continue to hold office as such, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot understand English, or read and write the English language.

§ 106. **Duration of office of members of the police force.** All the members of the police force, other than special policemen subject to the power of removal hereinafter specified, shall hold their respective offices for one year.

§ 107. **Vacancies in police force.** The board of police commissioners shall, within ten days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant.

§ 108. **Duties of chief of police or captain.** It shall be the duty of the chief of police or captain under the direction of said board, to superintend the police department of said city, of which department he shall be the chief executive officer and shall have full control of the patrolmen subject to the direction of said board of police commissioners. He shall keep a book of records, to be denominated "police records" in which he shall make daily entries of all the proceedings of his department and of all the services rendered by him and the several members of the police force. He shall, on the first day of each month, report to the board of police commissioners, the state of his department; the service performed by the members of the police force, respectively; the amounts respectively due each of them for their services in the preceding month, and whether any of them have been disorderly in their behavior or delinquent in their duties. He shall do and perform such other duties as may be required by said board, including the keeping of a record of the weather.

§ 109. **Charges, trials thereon.** If a charge be made by any person against any member of the police force that he is incompetent or has been guilty of neglect of duty, misconduct in his office, or of conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the police department and a copy thereof must be served upon the accused officer and filed with the board of police commissioners, unless a member of said board be the person making the charge; and then it shall be the duty of the board of police commis

sioners to hear, try and determine the charge according to the rules of the police department. The accused officer shall have the right to be present at his trial and to be heard in person and by counsel, and to give and furnish evidence in his defense. Any police commissioner may issue subpoenas under his hand for witnesses to sustain or refute the charge, and any such witness duly served with a subpoena shall be bound to attend in obedience to the command thereof, and the said commissioner shall have the same authority to enforce obedience to the subpoena and to punish for disobedience thereof as is possessed by justices of the peace in like cases. If the said board shall find the accused officer guilty of the charge made against him, it may order his suspension from his pay as a policeman for some definite time, or impose upon him a fine not exceeding fifty dollars, or reduce his grade, or subject to the approval of the common council, order his dismissal from the police force, or it may subject him to any other discipline prescribed in the rules of the police department which is not inconsistent with the provisions of this act or with the laws of the state or the United States.

§ 110. **Exemption from military and jury duty.** No member of the police department is liable to military or jury duty or to arrest on civil process, or to service of subpoena from civil courts, while actually on duty, nor shall he hold any other office or be employed in any other department of the city government.

§ 111. **Officer not to be delegate.** No officer of the police force shall be a member of, or delegate to, any political convention, nor shall he be present at any such convention except in the performance of duty relating to his position as such officer or member; and any violation of these provisions shall work a forfeiture of his office or position, and it shall be the duty of the board of police commissioners to dismiss him from his office or position, and enter of record the cause of such dismissal.

§ 112. **Unlawful conduct at primaries, et cetera.** It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidate, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or at any election, or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

§ 113. **Powers and duties of police.** The members of the police force of said city shall possess in every part of the state of New

York all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest issued by any magistrate of the state of New York may be executed in any part of the state by any member of the police force of said city without any indorsement of said warrant and according to the terms thereof; they shall also have the same power and authority which a constable possesses in civil cases and special proceedings, under the common law and statutory law, including proceedings in bastardy cases. In all cases in which they are authorized to act, they shall possess the same powers, perform the same duties, and be subject to the same liabilities as constables, except as herein otherwise provided. They shall execute the orders and commitments of the city judge in said city and of all courts held by him for the trial of criminal cases. They shall convey all persons sentenced by him to confinement in any jail, penitentiary or house of refuge to such place of confinement, and they shall serve and execute all civil process or proceedings issued or directed by any officer or court in said city. They shall also convey to the city pound all cattle, swine and other animals forbidden to run at large by law or the ordinances of said city, whenever the same are so found on any of the streets or alleys of said city, and shall further aid in the enforcement of the by-laws and ordinances of said city by directing a compliance therewith, whenever an omission so to do is observed, and upon further neglect or refusal to obey the same, by reporting the offender to the mayor of said city for prosecution.

§ 114. **Service of criminal process.** All criminal process for any offense committed within said city, issued out of any court within said city; and all process, subpoenas, bench warrant or otherwise, issued by the district attorney of the county of Cattaraugus, relating to any offense committed within said city, may be served by a member of said police force.

§ 115. **Expenses in execution of process.** The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person or for mileage and travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any offi-



cer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 116. **Presents or awards.** No member of the police force, or special policemen, shall receive any present or reward for services rendered, or to be rendered, unless with the consent of the board of police commissioners, such consent to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section, shall thereby forfeit his office.

§ 117. **Payment of salaries and expenses.** The comptroller shall pay the salary of the members of the police force monthly, as it shall become due, on the warrant of the board of police commissioners. The contingent expenses of the police department and for rent of station-house and telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's badges and batons and other necessary expenses shall be paid by the comptroller of said city upon the warrant of the board of police commissioners. All warrants of said board must be authorized by a vote of the board and be signed by the chairman and clerk thereof.

§ 118. **Appropriation of moneys.** All moneys in the hands of the treasurers of the villages of Salamanca and West Salamanca, which have been raised or provided for police purposes and unexpended when this act takes effect, are hereby appropriated for the purposes provided by this title.

§ 119. **By-laws of police force.** The board of police commissioners shall make such by-laws, not inconsistent with the laws of this state, as may be necessary for the government of the police force hereby established, for regulating the powers and duties of the officers and members thereof, for uniforming them, and for the maintenance of law and good order in said city, but no by-law concerning the enforcement of any ordinances of said city shall take effect until after it shall be approved by the common council of said city. Said board of police commissioners shall hold stated meetings each month, and other meetings upon the call of the mayor or of any two members.

§ 120. **Station-houses.** The board of police commissioners shall provide and keep in order such station-houses, lock-ups and other necessary accommodations as shall be required for the use of said police force. The said board may also employ some suit-



able and competent person to serve as janitor of such station-houses and lock-ups, at a compensation to be fixed by them, if authorized so to do by the common council.

§ 121. **Commitment to police station; account of criminal expenses chargeable to county.** The city judge of the city may commit to the police station, in said city, any person charged with crime and pending an examination for trial therefor, and the officer in charge of said police station in said city is authorized and required to receive any such person so committed and retain him in custody in accordance with committal. The board of police commissioners of the city of Salamanca shall, at the annual meeting of the board of supervisors of the county of Cattaraugus, render to said board of supervisors an itemized account of such criminal expenses as shall be properly chargeable to the county of Cattaraugus. Such expenses, which shall include a proportional part of rent of station, lighting of, heating and cleaning the same, board of prisoners, expense of transportation of prisoners under sentence to place of confinement, and the sum of twenty-five cents for each transient-poor lodger sent by the commissioner of charities of said city to such station-houses shall be audited by the said board of supervisors and provided for and paid in the same manner as all other county charges. Said money shall be received by the city comptroller and credited to the police fund.

## TITLE X.

### DEPARTMENT OF CHARITIES.

Section 122. Appointment of commissioner.

123. Powers and duties of commissioner of charities.

124. Monthly report of commissioner.

125. Common council to audit accounts.

126. \*Commissioners not to be interested in purchases.

§ 122. **Appointment of \*commissioners.** On or before the first day of February after the passage of this act and in each year thereafter, there shall be appointed in the manner provided by this act a commissioner of charities, who shall hold office for one year from the first day of February following his appointment.

§ 123. **Powers and duties of the commissioner of charities.** Except as provided by this act, the commissioner of charities of the city of Salamanca shall, within the city of Salamanca, have

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\* So in original.

and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in towns. The commissioner of charities of the city of Salamanca shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor the city of Salamanca shall be deemed one of the towns of Cattaraugus county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 124. **Monthly report of commissioner.** The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 125. **Common council to audit accounts.** All charges and accounts against said city for services rendered, acts done or

meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the comptroller upon the warrant of the mayor, countersigned by the clerk.

§ 126. **Commissioner not to be interested in purchases.** The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

## TITLE XI.

### DEPARTMENT OF PUBLIC INSTRUCTION.

Section 127. City, permanent school district.

128. Commissioners of education.

129. Succession of property and obligations.

130. Superintendent of schools.

131. General powers and duties of president.

132. Clerk and his general duties.

133. General powers of the commissioners of education.

134. Powers of commissioners of education to raise tax for support of schools.

135. Payment of funds to comptroller.

136. Powers of commissioners of education to purchase sites or addition to any site or erect or enlarge any school building.

137. Annual report of commissioners of education.

138. State superintendent of public instruction to apportion state moneys.

139. Common council shall pass ordinance for protection of school property.

140. Charges of misconduct or neglect of duty of any commissioner of education.

141. Report of superintendent of schools.

142. District a union free school district.

§ 127. **City, permanent school district.** The said city shall form a permanent school district and shall not be subject to alteration by the district superintendent of common schools. Said school district shall be known as union free school district number four of the city of Salamanca. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred upon school districts by law or other state authority, and shall, except as otherwise provided in this act, be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities.

§ 128. **Commissioners of education.** The affairs of said school district of the city of Salamanca shall be managed by a board of seven members, to be elected in the manner provided in this act, which board shall be known and designated as the "commissioners of education of the city of Salamanca." Said board and its successors shall possess all the powers conferred, and discharge all the duties imposed by this act, or by any general law of this state.

§ 129. **Succession of property and obligations.** The title to all the real estate and personal property now belonging to union free school district number four and school district number five of the town of Salamanca and school district number one of the town of Great Valley, or so much thereof as may be included within the bounds of the city of Salamanca, and equitably proportioned between said city and said school districts as hereinafter provided, and all moneys and funds belonging thereto, and so proportioned, shall be paid over and delivered to the comptroller of said city, and credited by him to the school fund of said city. All the rights, powers, privileges, contracts, obligations and liabilities of said school districts, or so much thereof as are included within the bounds of said city and which may be equitably proportioned as aforesaid, are hereby transferred to, vested in, and imposed upon said commissioners of education of the city of Salamanca as hereby created, and the rights and privileges of all persons that may have arisen or accrued prior to the passage of

this act shall remain and be enforced by and against said commissioners of education of the city of Salamanca, and its successors in the same manner, and with like effect, as the same might have been enforced by and against the board of education of union free school district number four and school district number five of the town of Salamanca and school district number one of the town of Great Valley, if this act had not been passed, subject, however, to the equitable proportionments thereof as hereinafter provided, and subject to the provisions of this act.

§ 130. **Superintendent of schools.** The said commissioners of education, not later than the first of May subsequent to their election, and in each year thereafter, shall appoint a superintendent of schools for the term of one year; such superintendent shall be under the direction of the said commissioners of education, which shall prescribe his powers and duties; he shall be paid from the teachers' fund a salary, to be fixed by the commissioners of education.

§ 131. **General powers and duties of president.** The president of the commissioners of education shall preside over meetings of the board when present, and perform such executive acts and duties as is required by this act and general laws, and such other lawful business as shall be given him or her in charge by said board.

§ 132. **Clerk and his general duties.** The city clerk shall be clerk of the commissioners of education, and shall act as secretary and keep the minutes of said board, and shall perform such other duties as may be required by this act and the general school laws of the state, and such other duties as the board may prescribe.

§ 133. **General powers of the commissioners of education.** Subject to the provisions of this act and of the education law, the commissioners of education of the city of Salamanca shall have power and it shall be its duty:

1. To establish and organize in said city such and so many free schools as said board shall deem requisite and expedient, and to change or discontinue the same at its discretion.

2. To alter, improve and repair schoolhouses and appurtenances, as it may deem advisable.

3. To purchase, sell or exchange, improve and repair school apparatus, books, furniture and appendages and to defray the necessary expenses attending the same.

4. To have the custody and safe keeping of the school build-

ings, lots, outhouses, books, furniture and appendages and to see that the ordinances and by-laws of said city in regard thereto are enforced, and any violation thereof punished.

5. To contract with and employ all necessary teachers for the schools of the city under such conditions, rules and regulations as may be established by the board, provided that such rules and regulations are in accord with the education law of the state and the rules and regulations established by the department of public instruction<sup>1</sup> of the state.

6. To audit the salaries of superintendent of schools and teachers which shall be paid by the city comptroller from the school fund upon the order of the president and clerk of said board.

7. To determine the necessary expenses of the board and district, including the wages of janitors and other assistants and employees and incidental expenses, which shall be paid, as above provided.

8. To audit expenditure of all moneys, raised by virtue of this act, for purchasing sites, erecting or enlarging schoolhouses, or for other purposes, in such a manner as may be deemed advisable, but only for the purposes for which the same was raised.

9. To take and appropriate lands and other real property within said city for school purposes, upon making compensation therefor in the same manner and under the same proceedings as prescribed in this act, and as conferred upon the board of public works for opening of streets and highways.

10. To have, to the exclusion of all boards and officers, except the superintendent of public instruction and the regents of the university of this state, the entire supervision and management of the schools of said city; from time to time, to adopt, alter, modify, or repeal, as it may deem expedient, rules and regulations for its organization, government, and instruction for the reception of pupils and their transfer from one schoolroom or schoolhouse to another, for their advancement from class to class as their degree of scholarship shall warrant, and generally to promote the good order, efficiency and prosperity of all the schools of the city, and the health and general welfare of the pupils.

11. To allow the children or persons non-resident to attend any of the schools therein under the control of the said board, as provided by the education law of the state.

12. To establish and maintain a city school library and pro-

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<sup>1</sup> Should read: "department of education."

vide suitable rooms for the use of the same; to exercise the same discretion as to the disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts, and to appoint a librarian and fix his compensation.

13. Other than as provided by this act, to exercise all the powers conferred upon the inhabitants of school districts at school district meetings.

14. Other than as provided in this act, to exercise all the powers conferred and all the duties imposed by the general laws of the state applicable to boards of education in cities. The records of the proceedings of said board, or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

**§ 134. Powers of commissioners of education to raise tax for support of schools.** On or before the fifteenth day of October in each year, the said commissioners of education shall prepare a statement of such sums of money as it shall deem necessary during the fiscal year commencing with the first day of January next ensuing for each of the following purposes:

1. For wages of superintendent and teachers, after applying such of the public school and other moneys as may be applicable thereto.

2. For the maintenance of a high school, if one shall have been established, and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

3. For the repair of schoolhouses, outhouses and grounds with the appendages and appurtenances.

4. For the purchase, repair or improvement of school apparatus, books, furniture and fixtures.

5. For the purchase of fuel and lights and to pay contingent expenses of the district, including the salaries of janitors, assistants, employees and incidental expenses.

Before the meeting of the commissioners of education at which the aforesaid statement is prepared, the said commissioners of education shall give to the mayor official notice thereof and the mayor shall attend said meeting and be accorded the right of inquiry into all the items of said statement and all the privileges in said meeting of the members of said board, except the privilege of voting. Whenever the commissioners of education shall finally



have determined on the statement of expenses itemized as heretofore indicated, it shall present the same to the mayor or acting mayor of the city of Salamanca. If the mayor or acting mayor approves such statement he shall sign it, and immediately file the same with the city clerk; if he does not approve any item therein he shall within ten days return the statement with his objection indorsed thereon or annexed thereto to the commissioners of education. Said board shall then proceed to reconsider such statement, and if two-thirds of the members then in office agree to sustain the statement as made, it shall stand as if it had been approved by the mayor, and shall be immediately filed with the city clerk. If two-thirds of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objection and he shall then sign it and file it with the city clerk. When such statement is filed with the city clerk, the common council of said city shall include in the annual tax and assessment-roll for that year the amount specified in said statement and the same shall be collected by the city comptroller, who shall credit the same to the general school fund of the commissioners of education.

§ 135. **Payment of funds to comptroller.** All public moneys or public funds belonging or appropriated to the use of said school district number four of the city of Salamanca, shall be paid to the comptroller of said city, who shall keep the same separate from the general funds of the city and shall credit to the school fund the moneys or property belonging thereto. The commissioners of education shall disburse, after due audit, all the school funds of said district by orders upon the comptroller signed by the president and clerk; said orders shall be numbered consecutively and shall specify the purpose for which they are drawn and the person to whom payable. Upon request from said board, the comptroller shall certify, from time to time, the balance remaining to be collected by or paid to the city comptroller for school purposes; it shall not be lawful for said comptroller to apply such moneys, or any part thereof, to any other purpose or object.

§ 136. **Powers of commissioners of education to purchase sites, or addition to any site or erect or enlarge any school building.** Whenever the commissioners of education shall resolve by an affirmative vote of two-thirds of its members that it is necessary to purchase a site or addition to any site, or erect any school building or enlarge any school building already erected, it shall specify in such resolution the ward within which such site is to

be purchased or building erected or enlarged and the particular sum required for each separately. The commissioners of education shall then deliver a certified copy of such resolution to the mayor who shall, within thirty days of the receipt of such resolution, call a special election of the electors of said city to vote for or against such appropriations as the proposed expenditures will impose. Said election shall be conducted and the result declared and certified pursuant to the provisions and manner prescribed for conducting special elections provided elsewhere in this act. In case three-fifths or sixty per centum or more of the votes cast be in favor of any said appropriations, the common council shall borrow upon the faith and credit of said city, the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. The common council shall issue bonds or other evidence of indebtedness, in such forms as it may prescribe at an annual rate of interest not exceeding five per centum, and payable at such times and in such amounts as the common council shall determine. Said bonds or any part thereof may be sold by the common council in such a manner as it may deem best, but at not less than the par value thereof. The commissioners of education, after completing the work or other objects for which said money may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this act.

§ 137. **Annual report of commissioners of education.** It shall be the duty of the commissioners of education, on or before the tenth day of January in each year, to make to the common council of the city a detailed report of the manner in which it shall have expended the money provided for and appropriated to school purposes from any source during the last fiscal year of the said commissioners of education; and such report shall be published by the common council in connection with, and as a part of, the annual report of the financial transactions of the city, which they are required by law to have printed and circulated.

§ 138. **State superintendent of public instruction to apportion state moneys.** It shall be the duty of the superintendent of public instruction of this state to apportion for the use of the said commissioners of education of the city of Salamanca, such portions of the school, school library and other public money as it shall be entitled to by its annual report, in the same manner in which such moneys are apportioned to cities, and the amounts to which it shall

be so entitled shall be certified to the county treasurer of Cattaraugus county. The said county treasurer of Cattaraugus county shall pay over to the city comptroller of the city of Salamanca, for the use of the commissioners of education of said city, such proportion of the school, school library and other public money as may be apportioned by law or by the superintendent of public instruction of the state to the commissioners of education of the city of Salamanca for teachers' wages, school library and other school purposes.

§ 139. **Common council shall pass ordinances for protection of school property.** The common council of the city of Salamanca shall have the power, and it shall be its duty, to pass such ordinances and by-laws as the commissioners of education of said city shall report necessary for protection, safe-keeping, care and preservation of the school buildings and other school property of said district, and to impose such penalties for the violation of the same as it shall deem proper.

§ 140. **Charges of misconduct or neglect of duty of any commissioner of education.** Charges of misconduct, or violation or neglect of duty, on the part of any member of the commissioners of education, may be presented to said board by any member thereof, or by any elector of the city of Salamanca, and such charges shall be duly examined by such board, at a regular or special meeting, of which the accused member shall have at least five days' notice, but at which meeting said accused member shall not be entitled to vote. If at such meeting, after hearing the evidence on both sides, said board shall deem the charges against the member sustained, then all the papers and documents in the case, with a transcript of the proceedings of the meeting, shall be transmitted by the clerk of the commissioners of education to the superintendent of public instruction of the state, and upon his approval of the findings of the board, the accused member shall be removed and his place deemed vacant. All vacancies in the commissioners of education, occasioned by the resignation, refusal to serve, death or removal of any of its members, shall be filled for the unexpired term by appointment by the mayor, subject to confirmation by the common council.

§ 141. **Report of superintendent of schools.** The superintendent of schools of the city of Salamanca shall confer with, and act under the direction of the commissioners of education of said city in the performance of his duties. He shall, subject to the di-

rection of said board, have general control and supervision of the public schools in said city and of the teachers employed therein and shall on or before the first day of July in each year, or at such other time or times, as shall be required by said board, report in writing to the commissioners of education on the following subjects:

1. The whole number of schools within the jurisdiction of the commissioners of education, their cleanliness and their sanitary condition.

2. The repairs or alterations, if any, that are necessary for each of said schools.

3. The condition of the school furniture, apparatus and books in the several schools, and the repairs and additions thereto that may be necessary.

4. The number of teachers employed in the several schools, their grade of work, and their efficiency, with suggestions as to the increase or decrease in the number thereof.

5. The number of pupils registered at each school, the average daily attendance and also the number of pupils enrolled in each grade in the several schools.

6. Such changes in the organization and curriculum of any or all of the schools as he may deem advisable.

7. Such other information in relation to the city schools as may be of interest to the people of Salamanca.

§ 142. **District a union free school district.** The said district shall be deemed and is hereby declared to be a union free school district under the laws of this state relating to public instruction. All provisions of law, not inconsistent with the provisions of this act, applicable to school districts whose limits correspond with any incorporated city, and the board of education therein, and the corporate authority of such cities are made applicable to the school district hereby established, and to the commissioners of education thereof and to the corporate authorities of the city of Salamanca.

## TITLE XII.

### COMMISSIONERS OF HEALTH.

Section 143. Commissioners of health; organization.

144. President of board.

145. Health officer.

146. Powers and duties of commissioners.

147. Clerk of commissioners of health.

§ 143. **Commissioners of health; organization.** There shall be a board of health consisting of three members who shall be designated commissioners of health. During the month of January, nineteen hundred and fourteen, there shall be appointed, in the manner provided in this act, three commissioners of health, one of whom shall hold said office until February first, nineteen hundred and fifteen, one of whom shall hold office until February first, nineteen hundred and sixteen, and one of whom shall hold office until February first, nineteen hundred and seventeen. In the month of January in each year thereafter there shall be appointed in like manner one commissioner of health for the term of three years to succeed the commissioner whose term expires in that year.

§ 144. **President of board.** The said board shall be organized under the public health law of the state.

§ 145. **Health officer.** The said board shall appoint a competent physician not one of its members, to be the health officer of the city. The said officer shall be under the direction of said board of health and shall perform such duties as may be required by said board of health, not inconsistent with this act and the general laws of the state.

§ 146. **Powers and duties of commissioners.** The commissioners of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health and the members thereof by the general laws of the state, so far as the same pertain to cities, except as herein otherwise provided.

§ 147. **Clerk of the commissioners of health.** The city clerk shall be the clerk of the commissioners of health.

## TITLE XIII.

### CITY COURT.

Section 148. City court.

149. Rooms and supplies.

150. Jurisdiction in civil actions and proceedings.

151. Not to take cognizance of certain actions.

152. Process, practice, et cetera; appeals from judgments, et cetera.

153. Trial jurors.

154. Opening and vacating judgments.

155. Evidence.

156. Costs and fees.

157. Jurisdiction of city judge in criminal cases.

158. Amount of fees, et cetera; deposit of fees; account of criminal business; docket to be kept.

159. Compensation of peace officers.

160. Rules.

§ 148. **City court.** There shall be a city court of civil and criminal jurisdiction. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

§ 149. **Rooms and supplies.** The common council of the city shall provide suitable rooms and properly furnish the same for holding court therein; provide for furnishing the necessary blank books, stationery and other necessary articles for the use of said court; and provide for the payment of all necessary expenses of said court.

§ 150. **Jurisdiction in civil actions and proceedings.** Except as limited by the next succeeding section, the city court shall have jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars.

3. An action for a fine or penalty not exceeding five hundred dollars.

4. An action upon a judgment not exceeding five hundred dollars, rendered in said court or in any court of the state of local jurisdiction, not being a court of record.

5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of five hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars.

7. Summary proceedings under title two of chapter seventeen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings may be made

to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure and the procedure before the city judge and in the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding of which justices of the peace of towns have jurisdiction, including bastardy cases, in which the city judge shall sit as the court.

§ 151. **Not to take cognizance of certain actions.** The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of five hundred dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

§ 152. **Process, practice, et cetera; appeals from judgments, et cetera.** The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge, shall be the same as in courts of justices of the peace in towns, except as otherwise provided in this act, and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof; and appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Cattaraugus and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; and for



the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 153. **Trial jurors.** The mayor, city clerk, and elective assessor, shall meet on or before the first day of February in each year at a place within the city appointed by the mayor, and select from the last assessment-roll of the city, and make a list of at least one hundred names of the persons, together with their occupations and places of residence, whom they believe to be qualified as trial jurors, as prescribed in article sixteen of chapter thirty of the consolidated laws, known as the judiciary law, and each person whose name is contained in said list must, unless he is excused or discharged, serve as a trial juror for one year from the first day of February of that year, and thereafter until another list is filed. Duplicate certified copies of the said list shall be made by the city clerk, one of which shall be filed within five days in his office and the other with the city judge. The names of the persons appearing on said list shall be trial jurors of the city court.

§ 154. **Opening and vacating judgments.** The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the city judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly. Five days' notice in writing of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgment of a justice of the peace.

§ 155. **Evidence.** All entries of the clerk's minutes or copies thereof duly certified by the clerk and the corporate seal thereto annexed, shall for any purpose be evidence in all courts of the state of the facts therein stated; and in actions and proceedings for the recovery of fines and penalties, the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinances, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, by-law, rule or regulation.

§ 156. **Costs and fees.** In all civil actions and proceedings brought in this court, the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace in towns. The court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit in writing showing to the satisfaction of the court that the action or proceeding is begun in good faith, and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process, without charging for court fees, but shall in all cases require the applicant to pay in advance the fee for serving such process. All fees received by the city judge shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees as may have been paid or incurred by the prevailing party, he shall be allowed as an indemnity in case he has appeared by an attorney admitted to practice in courts of record in this state (and not otherwise), the following sums as expenses:

1. If a judgment is rendered for plaintiff upon default, or by confession, to the plaintiff three dollars.

2. If judgment is rendered for plaintiff otherwise than upon a default, to the plaintiff three dollars, and an additional sum equal to ten per centum of the recovery, when the action is brought to recover a sum of money, or ten per centum of the value of the property as fixed by the judgment, when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars in all.

3. If a judgment of nonsuit is rendered for defendant without trial, to the defendant two dollars.

4. If a judgment is rendered for the defendant after trial, except as specified in the next subdivision, to the defendant five dollars, and the court in its discretion may allow five dollars additional.

5. If an affirmative judgment is rendered for the defendant, to the defendant the same sum as if he had been a plaintiff.

6. No costs or fees shall be allowed or incurred in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

§ 157. **Jurisdiction of city judge in criminal cases.** The city judge in all criminal actions and proceedings and special pro-

ceedings of a criminal nature, for and on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offenses were committed or charged to have been committed in the town, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. And the city court shall possess and exercise all the powers conferred upon courts of special session, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court.

§ 158. **Amount of fees, et cetera; deposit of fees; account of criminal business; docket to be kept.** The city judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the comptroller the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by the affidavit of the city judge to the effect that the same is correct and that it embraces all moneys paid into said court or received by said city judge for fees and fines during the period covered by such statement. He shall also keep an account of all criminal business done by him, which, by law, is now made a charge upon the county of Cattaraugus; and at the annual meeting of the board of supervisors the same shall be audited and ordered paid to the comptroller of the city. He shall keep an account of all his proceedings and in his docket a complete and accurate record of all process issued from and returned to said court, and of all proceedings in every civil or criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace in towns.

§ 159. **Compensation of peace officers.** The fees and mileage of a peace officer authorized to make arrests in the city of Salamanca, and who does not receive a salary from the city in connection with the arrest, examination, conviction and commitment of a tramp, or of a vagrant under subdivisions one, five or six of section eight hundred and eighty-seven of the code of criminal

procedure, or of a person charged with public intoxication, or with violating section twelve hundred and twenty-one of the penal law, may be fixed by the common council, for all offenses occurring in the city, but shall in no event exceed the sum of two dollars in any one case.

§ 160. **Rules.** The city judge may make rules not inconsistent with any law of this state, to govern the practice and procedure in his court, and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.

## TITLE XIV.

### DEPARTMENT OF LAW.

**Section 161.** The city attorney.

162. Salary.

163. Duties of city attorney.

164. Payment of moneys.

165. Compromise of suits.

166. Employment of counsel.

167. Judgments, report upon to common council.

§ 161. **The city attorney.** The city attorney shall be the head of the department of law.

§ 162. **Salary.** The salary of the city attorney shall be fixed by the common council and he shall receive no fees or other compensation of any kind whatever.

§ 163. **Duties of city attorney.** He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings, brought by and against any city officer, board or department; and such officers, boards, or departments shall not employ other counsel. No written contract providing for the payment of two hundred dollars or more, entered into by the city or any of its officers, boards or departments shall be acted under until there shall be endorsed thereon by the city attorney a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

§ 164. **Payment of moneys.** He shall pay over at once to the comptroller all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody, and report to the common council from time to time as it may direct concerning the condition of the affairs of this department.

§ 165. **Compromise of suits.** He shall, whenever he considers that the best interests of the city will be subserved thereby, enter into an agreement in writing, subject to the approval of the common council, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid may be borrowed and shall be included in the next city tax budget; and when so borrowed or raised by tax be paid to the claimant.

§ 166. **Employment of counsel.** The city attorney, with the written consent of the mayor, or when authorized by the common council, may employ counsel to assist him in the trial, argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 167. **Judgments, report upon to common council.** The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the city attorney immediately after the same shall have become payable, to the common council; and unless the common council issue bonds or certificates of indebtedness to raise money for the payment of the same, such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised be paid into the treasury and payment of judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, if there be any money in the treasury to the credit of a fund derived from the revenues of the

city, other than by taxation and not otherwise appropriated, sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery.

## TITLE XV.

### ACTIONS BY AND AGAINST THE CITY.

**Section 168.** Limitation of action against the city.

169. Disqualification of judge or juror because of residence in city.

170. Civil actions to recover penalties.

§ 168. **Limitation of actions against the city.** No action or proceeding to recover or enforce any claim, debt, or demand against the city shall be brought until after the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract, liability, expressed or implied, must be commenced within one year from the time that the cause of action accrued, and in all other cases within six months after the refusal of the common council to allow the claim, except that no action shall be maintained against the city for damages for a personal injury, or an injury to property alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless the same shall be commenced within six months after the cause of action therefor shall have accrued, nor unless a written verified statement of the nature of the claim, and of the time and place at which such injury is alleged to have been received, shall have been filed with the city clerk within ten days after the cause of action shall have accrued. An action on such a claim shall not be commenced until the expiration of thirty days after it is presented. The city of Salamanca shall not be liable for any damage or injury sustained in consequence of defects in, want of repair, or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks, or public places of the city, unless the superintendent of public works shall have had actual notice of the defects in, want of repair or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks, or public places of the city at least twenty-four hours before the happening of the casualty from which such injury or damage may have resulted.

§ 169. **Disqualification of judge or juror because of residence in the city.** No person shall be disqualified for acting as judge



or juror by reason of being an inhabitant or freeholder in the city of Salamanca and in any action or proceeding in which the city is a party or interested.

§ 170. **Civil actions to recover penalties.** Civil actions to recover any penalties or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city and, in any action brought in the city court, it shall be lawful to complain generally for the amount of such penalty or forfeiture, stating the section of this act or of the ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the city court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action, brought in the city court shall be by summons, which may be made returnable forthwith and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city comptroller to the credit of the general city fund; when any judgment shall be rendered in the city court in favor of or against the city of Salamanca in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the city of Salamanca shall be a party, the city judge shall within ten days thereafter file with the city clerk a transcript of such judgment for which he shall be entitled to charge the sum of twenty-five cents and include the same in the costs of said judgment; and in case the said judge shall omit to file such transcript or to do any of the acts above described he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against said city judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Cattaraugus county and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same



extent, and may be collected and enforced in the same manner as other judgments recovered before justices of the peace and transcripts filed in pursuance of the laws of the state of New York.

## TITLE XVI.

### ASSESSMENT AND TAXATION.

**Section 171.** Assessment of taxes.

- 172. Completion of roll and review of assessment.
- 173. Equalization and levy for state and county taxes.
- 174. Levy of taxes by common council; tax rolls.
- 175. Issue of tax roll and warrant to comptroller.
- 176. Notice of receiving taxes, and percentage and interest on unpaid taxes.
- 177. Tax receipts.
- 178. Notice of unpaid taxes and demand of payment.
- 179. Collection of tax by sale of personal property.
- 180. Collection of tax by civil action.
- 181. Proceeding in case of failure to collect tax on warrant.
- 182. Sale of land for unpaid taxes.
- 183. Notice of sale of land for taxes.
- 184. Manner of conducting sale of land for taxes.
- 185. Disposition of proceeds of sale.
- 186. Redemption of lands.
- 187. Notice of redemption.
- 188. Conveyance of real estate sold for taxes.
- 189. Settlement by comptroller for taxes collected.
- 190. Power of common council as to void and erroneous assessments.
- 191. Collection of local assessments.

§ 171. **Assessment of taxes.** The elective assessor shall in each year prepare an assessment-roll of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building

is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. Only one assessment shall be made in each year for all the taxes levied within the city during the year. The elective assessor and two appointive assessors, or a majority of the three, shall in the first instance and prior to the review thereof, fix and establish all values and assessments thereof in all respects as provided by section thirty-five of title three of this act.

§ 172. **Completion of roll and review of assessment.** The elective and appointive assessors shall complete such assessment-roll and shall file the same with the city clerk and shall give notice and perform all the acts required by the general tax law of the state governing the completion of the roll and review of the assessment.

§ 173. **Equalization and levy for state and county taxes.** The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, make a true copy of the assessment-roll as corrected, certify it under the seal of the city, and deliver it to the chairman or clerk of the board of supervisors of the county of Cattaraugus, at its next annual meeting. The board of supervisors of Cattaraugus county shall in each year equalize the assessments within the city of Salamanca with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of supervisors, to the common council of the city, and file such resolution with the city clerk, and the city clerk shall thereupon extend and apportion such tax on the assessment-roll together with the city taxes, levied as hereinafter provided, and no other extension and apportionment of such state and county taxes need be made.

§ 174. **Levy of taxes by common council; tax rolls.** The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city,

according to the valuation upon the assessment-roll for the current year, corrected as aforesaid:

1. The amount of taxes certified to the common council of the city by the board of supervisors to be assessed upon the city.

2. The amount of all interest and any installment of principal falling due upon the bonds or other permanent debt of the city, which shall be kept in a separate fund to be called the public debt fund.

3. The amount necessary to defray the expenses for the next fiscal year as authorized and provided by this act.

§ 175. **Issue of tax roll and warrant to comptroller.** The city clerk, under the direction of the common council, shall extend and apportion the city tax on the assessment-roll delivered to him in each year and shall forthwith file the same in his office, and shall make two copies of the same with the tax so extended and apportioned, and shall certify such copies to be correct duplicate city rolls of state, county and city taxes; such roll shall then and on or before the fifteenth day of January, or as soon thereafter as practicable, be delivered to the comptroller of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage of penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrant and roll to the city clerk within one hundred and twenty days after the date of the warrant. From the time of the receipt of the tax-roll and warrant by the comptroller, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the amount thereof with percentage and interest until the same shall be fully paid.

§ 176. **Notice of receiving taxes.** Immediately upon the delivery of the city roll and warrant to the comptroller he shall publish a notice in the official newspaper of the city that he will attend at his office with said roll and warrant for one hundred twenty days next after the first publication of said notice, Sundays and legal holidays excepted, from nine in the morning until three in the afternoon, to receive city, county and state taxes, and it shall be his duty to attend accordingly. He shall also mail to each person on said assessment roll at his last known postoffice address a notice showing the taxes assessed against him, and what

they are for, together with a brief recital of the time in which they may be paid. For thirty days after the first publication of the comptroller's notice every person may pay his tax or assessment to said comptroller without any fees thereon, and for thirty days thereafter with one per centum fees thereon, and for thirty days thereafter with three per centum fees thereon, and for thirty days next succeeding with five per centum fees thereon, and all remaining unpaid after the expiration of one hundred twenty days from such first publication shall bear and there shall be collected thereon, in addition to five per centum fees, interest at the rate of one per centum per month from the expiration of said one hundred twenty days. The percentage and interest provided for in this section shall belong to the city.

§ 177. **Tax receipts.** Immediately upon receiving any tax the comptroller shall enter in a column prepared for the purpose and opposite the names of the persons or corporation, paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid to be enforced or to be paid later in the manner provided by this act. All receipts issued by the comptroller for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes of each year for which the same is levied and assessed. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate, and each duplicate to bear the same number.

§ 178. **Notice of unpaid taxes and demand of payment.** If such tax shall remain unpaid after the expiration of one hundred twenty days from the first publication of the notice specified in section one hundred seventy-six of this title, the comptroller shall forthwith serve or cause to be served upon the persons against whom such tax remains charged, a written notice, requiring him to pay the same to the comptroller within ten days from the service of such notice. Such notice may be served upon any such person personally, or by leaving at his residence in said city, or by depositing in the postoffice in said city, properly enclosed in a postpaid wrapper, directed to him at his reputed place of

residence. It shall not be necessary to make any other demand for payment of said tax.

§ 179. **Collection of tax by sale of personal property.** If any person shall neglect or refuse to pay any tax charged against him, within the ten days above provided, the comptroller shall forthwith issue his warrant under his hand and the seal of the city and addressed to any police officer of the city, commanding such officer to levy upon any personal property in the city or in the county of Cattaraugus, belonging to or in possession of the person whose tax remains unpaid, and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no claim of property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with his warrant to the comptroller within fifteen days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collecting money by virtue of execution, which shall belong to the city. If the proceeds of such sale shall be more than the amount of such tax, the fees of collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the comptroller, without liability on his part or on that of the city for costs, until the rights of the parties thereto shall be determined by due course of law.

§ 180. **Collection of tax by civil action.** The comptroller is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of one hundred and fifty days with the additions and fees unpaid thereon, and to recover judgment therefor with twelve per centum interest thereon and the cost and expenses of such action. The city judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the clerk of

Cattaraugus county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all real estate of the judgment debtor, situate in said county, and shall have the same priority over any other lien or encumbrance upon, or transfer of the property charged with the tax, for which such action was brought as the lien of the tax sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions, or such proceedings which may be had under this act.

§ 181. **Proceedings in case of failure to collect tax on warrant.** On or before the fifteenth day of June next after any tax shall have been imposed upon any real estate in said county, the comptroller shall make and deliver to the assessor a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the assessor, on or before the fifteenth day of July thereafter, to make and deliver to the comptroller a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officer to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, shall be as valid and effectual for all purposes as though they had been originally corrected.

§ 182. **Sale of land for unpaid taxes.** Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August, the comptroller shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 183. **Notice for the sale of land for taxes.** The comptroller shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale in the official newspaper of the city, once a week for at least four successive weeks, immediately prior to day of sale,



and shall also post such notice of sale in at least three public places in the city at least twenty-one days before the day of sale. On the day named the comptroller shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the comptroller, with all accrued interest, fees, additions and expenses.

§ 184. **Manner of conducting sale of land for taxes.** Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the comptroller immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the comptroller shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the comptroller shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the comptroller shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the comptroller. The comptroller shall deliver the other duplicate certificate to the clerk of the county of Cattaraugus, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the comptroller



and shall be a part of the expenses of the sale of the parcel. If from any cause the comptroller shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the comptroller.

§ 185. **Disposition of proceeds of sale.** The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the comptroller shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the comptroller shall pay such owner the said surplus. In all other cases, the comptroller shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage on real estate.

In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the comptroller may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there shall be no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

§ 186. **Redemption of lands.** The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within one year by paying the comptroller, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum per annum upon such tax or assessment from the time of payment. In case of the redemption of any

land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the comptroller shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 187. **Notice of redemption.** At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the comptroller shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months, in the official newspapers of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

§ 188. **Conveyance of real estate sold for taxes.** If any parcel or lot so sold shall not be redeemed as herein provided, the comptroller, immediately after the expiration of the said one year shall execute and deliver to the purchaser, his heir or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The comptroller executing such conveyance shall be entitled to demand and receive from the grantee one dollar for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fees shall be charged therefor. Every such conveyance shall be executed by the comptroller, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall vest in the grantee an absolute estate in fee simple subject to all claims which the state may have thereon

for taxes, other liens or incumbrances, and which shall be presumptive evidence that the sale, and all proceedings prior thereto from and including the assessment of land sold, and that all notices required by law to be given previous to the expiration of the time allowed by law for the redemption thereof, were regular and in accordance with all the provisions of law relating thereto. After two years from the date of recording such conveyance in the office of the clerk of Cattaraugus county such presumption shall be conclusive. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantor or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 189. **Settlement by comptroller for taxes collected.** It shall be the duty of the comptroller to pay over to the treasurer of Cattaraugus county at the end of each week during the period that the tax roll and warrant is in his hands, all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All other moneys received by him for taxes shall daily be deposited in such banks as are made depositories of the city, by resolution of the common council. Except as otherwise provided by this act, the comptroller shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors, and with the common council for city taxes and assessments in the same manner. At the time of the delivering to him of the duplicate city roll and tax warrants, the comptroller shall receipt for the same, and shall then be charged with the whole amount which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid, and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said comptroller to credit himself with the whole or any part of said tax or assessment unpaid, and the comptroller shall be credited only with such

amount as the common council shall so order. Upon settling with the common council the comptroller must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery of the blank tax receipts to the comptroller, charge the comptroller with the number of receipts delivered, and the comptroller shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The comptroller shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all the detached receipts, including receipts, the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement the comptroller shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 190. **Power of common council as to void and erroneous assessments.** The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the common council may, in their discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city comptroller to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessors. Any omission to comply with the provisions of this act in making

an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby, void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the common council shall have power, and it shall be their duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

§ 191. **Collection of local assessments.** Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list, and be provided with a column in which payments can be entered by the comptroller. All provisions relating to the collection of taxes in this act, shall be applicable to the collection of assessments mentioned in this act.

## TITLE XVII.

### MISCELLANEOUS.

**Section 192.** Adjustment of property and liabilities.

193. Continuation of village officers.

194. Continuation of town officers.

195. Sinking fund.

196. First election of elective city officers.

197. No vacancies in certain offices before January first, nineteen hundred fourteen.

198. Continuation of village ordinances.

199. Limitation of city indebtedness.

200. First official and fiscal year.

201. Unpaid taxes.

202. Village funds to be paid to comptroller.

203. All moneys to be paid to comptroller.

204. The city comptroller to borrow money for current expenses.

205. Reading of charter, ordinances, records, et cetera, in evidence.

206. Audit and payment of claims.

207. Assessments, liens, et cetera.

208. County court always open.

209. Time when act shall take effect.

§ 192. **Adjustment of property and liabilities.** The city of Salamanca shall be liable for its proportion of the debts, demands and claims existing at the time of the passage of this act against the towns of Salamanca and Great Valley, and school districts numbers four and five of the town of Salamanca and number one of the town of Great Valley to be ascertained and adjusted as provided in this act. The town boards of the towns of Salamanca and Great Valley, and the trustees of school districts numbers four and five of the town of Salamanca and number one of the town of Great Valley, within thirty days after the passage of this act, shall meet and ascertain and audit all debts, demands and claims against said towns, and school districts, and adjust the amount or proportion thereof to be paid by the city of Salamanca, and by the towns of Salamanca and Great Valley, and said school districts respectively, according to the respective valuation thereof on the last assessment-roll, which shall be subject to the approval and consent of the common council of the city of Salamanca, or a committee to be appointed by said common council in its discretion for the purpose of reviewing and examining all of the aforesaid matters. In case said town boards, school trustees, and common council, or the committee aforesaid, shall agree, or after a final determination thereof, as herein provided, a statement in duplicate showing the amount of such indebtedness, and the proportionate amount thereof to be paid by said city, and said towns, and school districts respectively shall be made, and one copy thereof filed with the town clerk of said towns, and with the clerk of said school districts, and the other with the city clerk of the city of Salamanca, and the debt of said city, and said towns, and school districts, so adjusted, shall be paid the same as other debts existing against said city, said towns, and school districts respectively. Unexpended moneys belonging to the towns of Salamanca and Great Valley, and school districts numbers four and five of the town of Salamanca and number one of the town of Great Valley, and remaining in the hands of the supervisors of said towns, and said trustees, shall thereupon be apportioned by said town boards, and said school trustees, subject to the approval and consent of the common council of said city, or the committee appointed as afore-



said, between the city of Salamanca, and said towns of Salamanca and Great Valley, and between said city of Salamanca and said school districts, in the manner and on the basis hereinbefore provided. The amounts so apportioned to the city of Salamanca shall be paid by the supervisors of said towns to the comptroller of said city to the credit of the general fund, and the amount apportioned to the towns shall be paid to the supervisors of said towns respectively, and receipts taken therefor, and thereupon said supervisors shall be released from all further responsibility therefor, and the amounts so apportioned to the city of Salamanca, as between said city and said school districts, shall be paid by said trustees or the treasurers of said school districts to the comptroller of said city to the credit of the school fund, and the amount proportioned to said school districts shall be paid to the trustees or treasurers of said school districts in office, and receipts taken therefor, and thereupon said trustees or treasurers shall be released from all further responsibility therefor. The said town boards, and school trustees, subject to the approval and consent of the common council, or the committee appointed as aforesaid, shall also apportion in the same manner all this property and effects as the same may be valued by them, the said property to be retained by said towns and school districts at the valuation placed upon it by said boards and trustees, subject to the approval aforesaid, and said towns and school districts charged on said settlement with the amount of the city's interest therein as determined in the manner hereinbefore specified. In case the common council, or committee appointed as aforesaid, fails to approve of or consent to the aforesaid apportionments and settlements, then said towns, school districts, or city may make an application to the supreme court of the eighth judicial district for a determination of all the matters in controversy embraced in this section, according to the rules and practice of said court. Within thirty days after the final determination of the aforesaid matters, the county treasurer shall open new accounts for the city of Salamanca, and the towns of Salamanca and Great Valley, and school districts aforesaid respectively, and shall in like manner apportion the amounts due the city of Salamanca, and said towns, and school districts respectively, in accordance with the determination thereof. The said county treasurer shall certify to the comptroller of the city of Salamanca the amounts in the county treasury to the credit of said city of Salamanca.



§ 193. **Continuation of village officers.** The president of the village of Salamanca shall be the mayor of the city of Salamanca from the time of the passage of this act until and including the thirty-first day of December, nineteen hundred and thirteen. The following elective officers of the village of Salamanca shall be and constitute the following officers of the city of Salamanca from the time of the passage of this act until and including the thirty-first day of December, nineteen hundred and thirteen. The trustees of the village shall be the aldermen of the city; the police justice shall be the city judge of the city. Each of the officers hereinabove mentioned shall, before entering upon the duties of his office as such city officers, qualify in accordance with the provisions of this act. The following appointive officers of said village shall, respectively, be the officers of said city until their successors are appointed, to wit: The clerk of said village shall be the clerk of the city; the chief of police and policemen of the village shall be respectively the chief of police and policemen of the city; the chief engineer and assistant engineer of the fire department of the village shall be respectively the chief engineer and assistant engineer of the city; the firemen and fire companies of the villages of Salamanca and West Salamanca shall be the firemen and fire companies of the city; the board of health of the village shall be the commissioners of health of the city; the board of education of said village shall be the commissioners of education of said city. On the first Monday after the passage of this act at seven o'clock in the afternoon the mayor and the aldermen of said city hereinbefore mentioned shall meet in the office of the city clerk and organize as a common council. At a meeting subsequent to said first meeting and within ten days thereafter, an acting comptroller of said city, a commissioner of charities, three assessors, one to perform the duties of the elective assessor and two to perform the duties of associate assessors, shall in like manner be appointed on the nomination of the mayor and the confirmation of the common council and said appointees shall continue in said office until and including the thirty-first of December, nineteen hundred and thirteen. Their compensation shall be fixed by the common council. Such elective village officers as are continued by the provisions of this act as city officers shall be entitled to the same salary compensation as they receive as officers of the village of Salamanca. Such village appointive officers as are continued as city appointive officers shall be entitled to such compensation as shall be fixed by the common council.

§ 194. **Continuation of town officers.** The officers, including the supervisors of the towns of Salamanca and Great Valley, shall continue in office and be and remain the officers and supervisors of their respective towns until the thirty-first day of December, nineteen hundred and thirteen; notwithstanding the fact that said officers may be residents within the city of Salamanca when this act takes effect. The justices of the peace of the towns of Salamanca and Great Valley residing within the limits of said city at the time of the passage of this act shall be and continue as justices of the peace and have jurisdiction over that portion of the towns of Salamanca and Great Valley included by this act within the city of Salamanca until and including the thirty-first day of December, nineteen hundred and thirteen, and no longer. The constables of the towns of Salamanca and Great Valley residing within the limits of said city at the time of the passage of this act shall be and continue as constables until and including the thirty-first day of December, nineteen hundred and thirteen and no longer. The other officers, elective or appointive, whether village or school officers, within the boundaries of the city of Salamanca are hereby declared vacant and are abolished, so far as concerns the city, and the officers enumerated in section one hundred and ninety-three made their successors, except as herein otherwise provided.

§ 195. **Sinking fund.** The common council may create a sinking fund or sinking funds to provide for the redemption of any bonded indebtedness heretofore existing or hereafter created, and for that purpose may raise annually by taxation, a sum which will produce at their maturity an amount equal to the sum of the principal of the bonds to retire which the sinking fund is created.

A sinking fund created for the purpose of amortizing an indebtedness covered on account of a water works system, light plant or other property or means of accommodation through which a profit is realized by the city, may be maintained out of the surplus earnings of such system, plant or property and if the revenues thus derived shall not be sufficient to provide for the sinking fund requirement, said common council may provide for such deficiency and pay the same in the same manner as it may provide for the payment of the principal and interest on other bonded indebtedness of said city.

The city of Salamanca in addition to the power which it possesses, to raise money for all purposes by taxation, shall have

power to raise by a general tax annually, upon the real and personal property assessed for taxation in said city, such sum as may be necessary to provide for the payment to meet such sinking fund requirements, as may have been authorized by the common council. All taxes collected and funds set apart for sinking fund requirements shall be kept in a separate fund and may be invested in such securities as the mayor, common council and comptroller may agree. The amount raised by taxation in any year, to be used for sinking fund payments, shall not exceed one-fourth of one per centum of the total assessed valuation of said city.

§ 196. **First election of elective city officers.** At the first city election held under the provisions of this act there shall be elected by the city at large a mayor, two commissioners of education, a city judge and an assessor for the term of office provided in this act; there shall also at the same time be elected by each ward a supervisor, an alderman and a commissioner of education for the term of office provided in this act. The term of office of the supervisor elected in each ward at the first city election shall commence upon the completion of the canvass and declaration of the result of the votes cast at such election.

§ 197. **No vacancies in certain offices before January first, nineteen hundred and fourteen.** No vacancies shall be held to exist in any of the city or ward offices enumerated in this act prior to the first day of January, nineteen hundred and fourteen, by reason of the failure to provide herein for the occupancy of said offices to such date.

§ 198. **Continuance of village ordinances.** All existing ordinances, by-laws, resolutions, rules and regulations of the village of Salamanca shall be and continue in force in the city of Salamanca with the same force and effect as if duly adopted and published by the common council as ordinances of the city, except as the common council shall modify, amend or repeal the same, subject to the provisions of this act, and the ordinances, rules or regulations in force at the time of the taking effect of this act in other portions of the city are hereby repealed.

§ 199. **Limitation of indebtedness.** The city of Salamanca shall not incur indebtedness, if thereby its total contract indebtedness, exclusive of liabilities for which taxes have already been levied, and obligations issued to provide for the supply of water shall exceed ten per centum of the assessed valuation of the real property of said city, subject to taxation as it appeared on the last preceding city assessment-roll.

§ 200. **First official and fiscal year.** The first official and fiscal year of said city shall commence upon the date of the taking effect of this act and shall end with the thirty-first day of December, nineteen hundred and thirteen, but for the purpose of computing the compensation to which the city officers shall be entitled during said first official year the time of actual service shall be the basis.

§ 201. **Unpaid taxes.** The city of Salamanca shall be entitled to all unpaid taxes of the villages of Salamanca and West Salamanca and the same shall be collected and enforced by the same proceedings and process that the city taxes may be collected and enforced.

§ 202. **Village funds to be paid to comptroller.** All funds of the villages of Salamanca and West Salamanca in the hands of the receivers of taxes and the treasurers of the said villages at the time this act takes effect shall, except as herein otherwise provided, be paid over by said receivers of taxes and treasurers to the acting comptroller of said city as soon as he shall be appointed and the common council, as soon as practicable, audit and order paid therefrom the various claims properly chargeable to said fund.

§ 203. **All moneys to be paid to comptroller.** All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this act, or otherwise, shall, within ten days after its receipt, pay the same over to the comptroller of the city and take his receipt therefor except as otherwise provided in this act.

§ 204. **The city comptroller to borrow money for current expenses.** The city comptroller or acting city comptroller shall, with the approval of the common council expressed by resolution, have the power to borrow money on the credit of the city for the payment of current city expenses, in anticipation of taxes already levied but not in excess of the amount levied.

§ 205. **Reading of charter, ordinances, records, et cetera, in evidence.** The charter of the city of Salamanca may be read in evidence from the volume of session laws of the state of New York, containing said charter, from the volume printed by the authority of the common council or from a certified copy made by the city clerk or from the volume of ordinances and by-laws provided by authority of common council; and all records and accounts of the city which the city officers are required by law to keep, shall be presumptive evidence of the truth of their contents in any court.

§ 206. **Audit and payment of claims.** The city comptroller

shall pay all claims, demands and bills, when duly audited by the respective commissions or boards of the several departments subject to the approval of the common council, except those audited by the commissioners of education and of health shall not be subject to such approval.

§ 207. **Assessments, liens, etc.** All taxes heretofore levied, and all assessments made, and liens declared by the villages of Salamanca and West Salamanca, or the boards of trustees thereof, or by the towns of Salamanca and Great Valley, or the town boards thereof, or by trustees of school districts numbers four and five of the town of Salamanca and school district number one of the town of Great Valley, upon property in said villages, or in that portion of said towns included within the boundaries of the city of Salamanca shall be, remain and continue existing liens against said property, and enforceable by the city of Salamanca in the manner herein provided, and all assessments heretofore made, and liens created, or assumed to be created by the villages of Salamanca and West Salamanca, or the boards of trustees thereof, or by the towns of Salamanca and Great Valley, or by the town boards thereof, or by the trustees of said school district, against property in said villages, or in the portions of said towns included within the boundaries of said city, are hereby legalized, confirmed, ratified, approved, and declared lawful, and are made valid liens in favor of said city of Salamanca, and enforceable by said city in the manner hereinbefore provided, but the provisions of this act shall not in any manner affect any actions heretofore commenced and now pending against the said villages of Salamanca and West Salamanca, or against the towns of Salamanca and Great Valley, or against said school districts, or the officers thereof. The common council of said city shall have the authority and is hereby empowered to accept a surrender of any franchises, or any right or rights, given under any franchises heretofore granted by the board of trustees of the villages of Salamanca and West Salamanca, or by the town boards of the towns of Salamanca and Great Valley within the portion of said towns included in the boundaries of said city without any impairment of the remaining rights created under said franchises, and on such terms as the common council may deem just.

§ 208. **County court always open.** The county court is always open for the hearing of an application or appeal under this act.

§ 209. **The time when this act shall take effect.** This act shall take effect immediately.

## Chap. 508.

AN ACT to amend the conservation law generally, in relation to fish and game; to repeal certain sections thereof and to amend certain sections of chapter three hundred and eighteen of the laws of nineteen hundred and twelve.<sup>1</sup>

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The heading of article five and the headings of the several parts and the several sections and subdivisions of sections of the said article of the conservation law as inserted by chapter three hundred and eighteen of the laws of nineteen hundred and twelve, and hereinafter set forth, are hereby amended to read as follows:

L. 1911,  
ch. 647,  
art. 5, as  
added by  
L. 1912,  
ch. 318,  
heading  
and certain  
part head-  
ings, sec-  
tions, and  
subdivisions  
amended.

### ARTICLE V.

#### FISH AND GAME.

- Part
- I. Powers and duties of commission (§§ 150–160\*).
  - II. Game protectors (§§ 165–173).
  - III. Ownership; manner of taking; limit; possession; sale and transportation of wild game and fish restricted (§§ 175–182).
  - IV. Licenses, hunting and trapping (§§ 185–186).
  - V. Quadrupeds (§§ 190–203).
  - VI. Birds (§§ 210–223).
  - VII. Fish (§§ 230–258).
  - VIII. Nets and netting (§§ 270–284).
  - IX. Fishways (§§ 290–293\*).
  - X. Marine fisheries (§§ 300–335).
  - XI. Private parks (§§ 360–366).
  - XII. Breeding; importation and sale of fish and game (§§ 370–376).
  - XIII. Definitions and construction (§§ 380–384).

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\* So in original.

<sup>1</sup> The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

## PART I.

## POWERS AND DUTIES OF COMMISSION.

**Section 150.** General powers and duties of commission.

151. Fish culturist.

152. Additional or other protection.

153. Fish and game closes.

154. Power of commission to dispose of fish and game seized.

155. Power to take fish.

156. Power to purchase fish eggs.

157. Power to acquire beaver, deer, moose or elk by gift, purchase or capture.

158. Power to take birds and quadrupeds.

159. License to collect or possess for propagation, scientific or exhibition purposes.

160. Publication of laws relating to fish and game.

161. Observance of rules and regulations; penalty.

§ 150. General powers and duties of commission. The commission shall have charge, control and management of the propagation and distribution of food and game fish, shell-fish, crustacea, and game. It shall have the conduct and control of all hatching and biological stations and game farms owned, operated or hereafter acquired by the state. The commission shall have charge of the enforcement of all laws for the protection of fish, shell-fish, crustacea, birds and quadrupeds; lands under water which have been or shall be designated, surveyed and mapped out pursuant to law, as oyster beds or shell-fish grounds, and power to grant leases of land under water for shell-fish culture according to law, to make rules regulating the inspection and examination of shell-fish, shell-fish grounds and the buildings used for storage, handling and shipments thereof; the floating of shell-fish; and the removal of shell-fish from beds which are in an unsanitary condition and their deposit upon unpolluted grounds; power to make rules increasing the size of mesh of nets, regulating the transportation, importation, exportation of game, fish, shell-fish and crustacea, and the taking of fish in any manner, other than angling, except as to migratory fish of the sea within the limits of the marine district; the granting of licenses where the same are prescribed by law, the fixing of fees therefor and terms thereof.



§ 152. Additional or other protection. 1. Petition for protection. Ten or more citizens of the state may file with the commission a petition in writing requesting it to give to any species of fish other than migratory food fish of the sea, including fish or game birds or quadrupeds, protection or additional protection to that afforded by the provisions of this article. Such petition shall state the grounds upon which such protection is considered necessary, and shall be signed by the petitioners, who shall attach their addresses.

2. Notice of hearings. If the commission shall after hearing petitioner entertain the petition, it shall hold a public hearing in the locality or county to be affected upon the allegations of such petition at such time and place within the locality or county affected as the commission may determine within twenty days from the filing thereof. At least ten days prior to such hearing notice thereof, stating the time and place at which such hearing shall be held, shall be advertised in a newspaper to be selected by the commission and published in the counties or county to be affected by such additional or other protection or if less than a whole county, in or near the locality which may be affected. Such notice shall contain a brief statement of the grounds upon which such application is made, and a copy thereof shall be mailed to each petitioner at the address given in such petition at least ten days before such hearing.

3. Power to grant protection. If upon such hearing the commission shall determine that such species of fish or game, by reason of disease, danger of extermination or from any other cause or reason, requires such additional or other protection, in any locality or throughout the state, the commission shall have power by order to prohibit or regulate, during the open season therefor, the taking of such species of fish or game. Such prohibition or regulation may be made general throughout the state or confined to a particular part or district thereof and the order shall fix the day when the same shall take effect and the commission shall sign and enter the order in its minute book.

4. Publication. At least thirty days before the day fixed for such order to take effect, copies of the same certified by the secretary to the commission shall be filed in the office of the clerk of each county containing a district or any part of a district to which the prohibition or regulation applies. At least thirty days before such order shall take effect the commission shall cause the

same to be published in a newspaper published in each county wherein such prohibition or regulation shall apply.

5. Penalties. Any person violating the provisions of such order shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not to exceed one hundred dollars, or shall be imprisoned for not more than thirty days, or both, for each offense, and in addition shall be liable to the penalties hereinafter provided for taking fish, birds or quadrupeds in the close season.

§ 153. **Fish and game closes.** The commission may, on the request of a majority of the town board of any town, by order, prohibit or regulate the taking of birds or game on lands set aside, with the consent of the owner or owners thereof, as bird and game refuges for a period of not to exceed ten years. On a like request, when fish have been or shall be placed in waters of a town at the expense of the state, the commission may by order prohibit or regulate the taking of fish from such waters, for a period of not to exceed three years. At least thirty days before such order shall take effect, a copy of the same certified by the secretary to the commission shall be filed in the office of the clerk of the town in which the prohibition or regulation applies. Printed notices at least one foot square that such lands or streams have been closed, shall be posted along the boundaries of the land, or along the shores or banks of the waters affected not more than fifty rods apart measured along the said boundaries and along said banks.

Any person who shall violate or attempt to violate any such order shall be guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not to exceed one hundred dollars, or shall be imprisoned for not more than thirty days, or both, for each offense and in addition shall be liable to the penalties hereinafter provided for taking fish, birds or quadrupeds in the close season.

An affidavit of the fact of such stocking with fish or of posting such notices or a certification of such facts by a game protector when filed in the office of the commission shall be presumptive evidence of the facts stated therein and a copy of either when certified by the secretary to the commission shall be competent evidence in any action or proceeding for enforcement of any of the provisions of this section.

§ 159. **License to collect or possess for propagation, scientific or exhibition purposes.** The commission may issue a license revocable at its pleasure to any person, permitting the holder to collect or possess quadrupeds, birds, birds' nests or eggs for propagation,

scientific or exhibition purposes. Before such license is issued, every applicant, except a game protector, duly chartered museum or society incorporated for scientific or public exhibition purposes, or an officer thereof, must file written testimonials from two well known scientific men; pay one dollar for the license and file a bond in the penal sum of two hundred dollars with two responsible sureties, to be approved by the commission, conditioned that he will not violate the provisions of this article or avail himself of the privileges of said license for purposes not herein set forth. Persons receiving such license must report the result of operation thereunder annually to the commission, at the expiration of the license. Such license shall be in force for one year only from the date of issue and shall not be transferable.

§ 160. **Publication of laws relating to fish and game.** As soon as practicable after the adjournment of the legislature in each year, the commission shall make a compilation of the laws relating to fish and game as amended at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section shall be printed in pamphlet form of pocket size, under the direction of the clerks of the senate and assembly, and such clerks shall distribute them as follows: One hundred copies to each senator; fifty copies to each assemblyman; fifteen thousand copies to the commission for general distribution. It shall be the duty of the commission to prepare and issue a syllabus of the said laws and to deliver to county, city and town clerks a supply sufficient for furnishing one copy to each person procuring a hunting or trapping license and each such person shall be entitled to one copy of said syllabus.

## PART II.

### GAME PROTECTORS.

Section 165. Number and designation.

166. Rating of game protectors.

167. Game protectors to give bonds.

168. Compensation of game protectors.

169. Powers of game protectors.

170. Records and reports.

171. Special game protectors.

172. Sheriffs and constables.

173. Suits against protectors.

§ 165. **Number and designation.** The commission shall appoint one hundred and five game protectors. The commission shall appoint a chief game protector, a deputy chief game protector, twelve division chief protectors, five fisheries protectors, and a protector for the Saint Lawrence river. The chief game protector shall have general supervision and control of all \*protectors.

§ 171. **Special game protectors.** The commission may in its discretion appoint special game protectors. Such special game protectors shall hold office during the pleasure of the commission, and shall have the same powers as game protectors, and receive one-half of the fines and penalties less expenses. They shall make reports as required by the commission. No person shall be eligible for such appointment until he shall have passed a non-competitive examination conducted under authority of the commission.

### PART III.

#### OWNERSHIP; MANNER OF TAKING; LIMIT; POSSESSION; SALE AND TRANSPORTATION OF WILD GAME AND FISH RESTRICTED.

##### Section 175. Ownership.

176. Taking, limit, possession, sale and transportation of fish and game restricted.

177. Manner of taking fish and game.

178. Transportation.

179. Transportation, sale, special.

180. Prohibited, sale of certain birds.

181. Presumptive evidence.

182. Penalties.

§ 176. **Taking, limit, possession, sale and transportation of fish and game restricted.** No person shall at any time of the year, pursue, take, wound or kill, in any manner, number or quantity, any fish, quadrupeds or birds protected by law, or buy, sell, offer, or expose the same, or any part thereof, for sale, transport, or have the same in possession except as permitted by this article. Nets except in the marine district, tip-ups, set and trap lines, spears, grappling hooks, naked hooks, snatch hooks, eel weirs and eel pots shall not be used to take fish except as specifically permitted by this article. Any person aiding in any manner in such prohibited acts shall be deemed to have violated this section.

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\* So in original.

§ 177. **Manner of taking fish and game.** 1. Manner of taking game. Game protected by law shall only be taken in the day time after sunrise and before sunset with a gun fired at arm's length, without rest, unless otherwise specifically permitted by this article. A person may take birds and quadrupeds, during the open season therefor, with the aid of a dog, unless specifically prohibited by this article.

2. Manner of taking fish. Fish except migratory food fish of the sea, shall only be taken by angling, unless otherwise specifically permitted by this article. In case any fish or crustacea is unintentionally taken contrary to the prohibitions or restrictions contained in any of the provisions of this article, such fish or crustacea shall be immediately liberated and returned to the water, without unnecessary injury. Whenever any fish under the size limit prescribed by the provisions of this article are received in transportation from another state or country, or whenever such fish are taken in gill nets, they shall neither be sold, bought or otherwise trafficked in.

§ 178. **Transportation.** Subd. 1. Common carriers. No common carrier or employee of such carrier shall, while engaged in such business, transport as owner any fish or game or parts thereof of species which may not be lawfully sold at any time. Nor shall such carrier or person knowingly receive or possess the same for shipment for another whether contained in a package or unpacked if no shipping permit is attached as required in this section.

Subd. 2. Transportation and exportation of fish and game lawfully salable. Any person may transport in any manner within this state or from a point within to a point without during the open season therefor, and in any number, wild quadrupeds, birds or fish of species which may be lawfully sold.

Game or fish raised in private hatcheries or preserves and carcasses of birds and mammals from without the United States and which may be lawfully imported and sold, when marked and tagged as provided in part twelve of this article, may be transported within and from a point within to a point without this state in any number and by any means.

Subd. 3. The same; of fish and game not lawfully salable. Any person may transport within this state or from a point within to a point without otherwise than by common carrier or parcel post and during the open season therefor wild quadrupeds, birds or fish but not more in any one day than the number thereof

which may be lawfully taken in one day by one person when of species which may not be lawfully sold at any time except as otherwise provided in section one hundred and ninety hereof.

The taker may transport within this state or from a point within to a point without by common carrier except by parcel post, and during the open season therefor, wild quadrupeds, birds or fish but not more in any one day than the number thereof which he may lawfully take in one day when of species which may not be lawfully sold at any time provided the same or the package containing them shall have attached thereto before shipment, with the blanks properly filled in by him, a shipping permit issued by the commission except as otherwise provided in section one hundred and ninety hereof. The form of such permit shall be determined by the commission.

Subd. 4. Importation of fish and game not lawfully salable. The taker may, between the sixteenth day of September and the first day of January following, both inclusive, bring into this state otherwise than by common carrier or parcel post wild game or fish which may be lawfully brought from the place where taken and when lawfully taken by him and at a distance not less than fifty miles from the border of this state, if of species which may not be lawfully sold in this state at any time provided he accompanies the same and shall have with him a license issued by the commission permitting such importation.

The taker holding such importation license may in the same case import into this state by common carrier except by parcel post, such wild game or fish provided the same or the package containing them shall have affixed thereto, before shipment, a shipping permit issued, attached and filled in as provided in subdivision three of this section.

The taker without holding such importation license but, who accompanies the same may bring into this state otherwise than by common carrier or parcel post during the open season therefor provided herein and if lawfully brought from the place where taken and when lawfully taken by him at any point without the state, wild game or fish when of species which may not be lawfully sold within this state at any time, or the same may be shipped by him by common carrier except by parcel post, but in that case the requirement of subdivision three of this section as to shipping permits shall apply.

Such wild game or fish when imported into this state as per-

mitted under this subdivision may be possessed during the said periods.

Subd. 5. The same; of fish and game lawfully salable. Importation and transportation by any means and in any number during the open season therefor of wild game or fish the sale of which is permitted by this article shall be lawful except as otherwise expressly provided therein.

Subd. 6. Shipping permits; prohibition; limitations. Only holders of hunting and trapping licenses shall be entitled to shipping permits described in subdivision three of this section, for shipment of quadrupeds or birds taken in this state. No person shall be entitled to receive nor shall he apply for more than six such permits in any calendar year nor shall any person to whom such a permit has been issued transfer the same in any manner to any other person nor shall any other person use the same for shipping fish or game nor shall any person make any false statement in applying for such a permit nor shall one person use more than six thereof for shipping fish and game in any one calendar year.

§ 179. **Transportation, sale; special.** The provisions of section one hundred and seventy-eight hereof shall not apply to transportation of fish and game for propagation purposes nor to transportation of the head, hide, feet or fur of quadrupeds or of the plumage or skin of game birds legally taken and possessed and the same may be transported at any time. The head, hide and feet of quadrupeds legally taken and possessed may be bought and sold at any time.

§ 181. **Presumptive evidence.** Possession of quadrupeds, birds or fish, or of parts thereof, during the time when the taking of the same in this state is prohibited, or when the possession of the same after the close of the open season is not permitted, shall be presumptive evidence that the same was unlawfully taken by the possessor.

§ 182. **Penalties.** A person who violates any of the provisions of part three or of any lawful rule or regulation of the commission, is guilty of a misdemeanor, and in addition thereto, is liable as follows: to a penalty of sixty dollars and an additional penalty of twenty-five dollars for each fish, bird, or quadruped, or part of fish, bird or quadruped bought, sold, offered for sale, taken, possessed, transported or had in possession for sale or transportation in violation thereof.



## PART IV.

## LICENSES: HUNTING AND TRAPPING.

**Section 185.** Hunting and trapping license.

186. Penalties.

§ 185. **Hunting and trapping license.** Subd. 1. License required. No person or persons shall at any time hunt, pursue or kill with a gun, any wild animals, fowl or birds or take with traps or other devices any fur bearing animals, or engage in hunting or trapping except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful.

Subd. 2. Application; penalties. Said license shall be procured from any county, city or town clerk in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the commission through the clerk of each county, city or town, stating name, age, occupation and place of residence and post-office address of applicant, also whether a citizen of the United States or an alien and such other facts or descriptions as may be required by the commission. Said application shall be subscribed and sworn to by the applicant before any officer authorized to administer oaths in the state of New York. Any false statement contained in such application shall render the license null and void. Any person who shall make any false statement in an application for a license, shall be deemed guilty of perjury, and, on conviction thereof, shall be subject to the penalties provided for the commission of perjury.

Subd. 3. Fees. Said applicant, if a non-resident of the state, a person who has not been a resident for at least six months or an unnaturalized person or an alien, resident or non-resident shall pay to the clerk countersigning and delivering the license the sum of twenty dollars, together with the sum of fifty cents as a fee to the clerk, and if a resident of the state, for over six months and a citizen, shall pay to the clerk countersigning and issuing the license the sum of one dollar as a license fee, together with the sum of ten cents as the fee of the county, city or town clerk for issuing such license, and if a non-resident of the state and a taxpayer therein at the time of making such application shall pay to the clerk countersigning and issuing the license the sum of ten dollars together with the sum of fifty cents as a fee to the clerk.

Subd. 4. Disposition of fees. The license fees above provided for shall be remitted by the city and town clerks on the first Tuesday of each month to the county clerk of the county, with duplicate schedules setting forth the name and residence of each licensee, the serial number of and the amount paid for each license issued and such fees together with those received by the county clerk for issuing licenses from his office shall be remitted to the commission on the second Tuesday of each month with a duplicate of said schedule and the said fees shall be remitted by the commission to the state treasurer as are fines and penalties. The commission shall pay to each county clerk the sum of three per centum of the total amount of such license money received from such county clerk.

Subd. 5. Contents and power under. Said license shall be issued in the name of the commission, and be sealed with the seal of the county, city or town in which the same is issued and be countersigned by the clerk issuing the same. Every license issued shall be signed by the licensee in ink on the face thereof. It shall entitle the person to whom issued to hunt, pursue and kill game animals, fowl and birds and trap fur bearing animals within the state at any time when or place where it shall be lawful to hunt, pursue, kill and take such game animals, fowl and birds in this state.

Subd. 6. Carrying and exhibiting same. No person to whom a license has been issued shall be entitled to hunt, pursue, kill or take game animals, fowl and birds or trap fur bearing animals in this state unless at the time of such hunting, trapping, pursuing or killing or taking, he or she shall have such license on his or her person, and shall exhibit the same for inspection to any protector or other officer or other person requesting to see the same.

Subd. 7. Termination. Such license shall be void after the thirty-first day of December next succeeding its issuance.

Subd. 8. Exception. Provided that the owner or owners of farm land, and their immediate family or families occupying and cultivating the same, or the lessee or lessees thereof and their immediate family or families who are actually occupying and cultivating the same, shall have the right to hunt, kill and take game or trap fur bearing animals on the farm land of which he or they are the bona fide owners or lessees, during the season when it is lawful to kill and take the same, without procuring such resident license; and further provided that minors under the age of sixteen years shall not be required to take out a license to trap fur bearing animals.

Subd. 9. Alteration. Any person who shall at any time alter or change in any material manner or loan or transfer to another, any license issued as aforesaid, shall be deemed guilty of forgery in the second degree, and, on conviction thereof, shall be punishable as provided in case of forgery in the second degree.

Subd. 10. Prosecution by individuals. All prosecutions for a violation of the provisions of this article relating to licenses may be brought by any person upon order of the commission in the name of the people of the state of New York against any person or persons violating any of the provisions of this article, so far as it relates to licenses, before any court of competent jurisdiction; and it is hereby made the duty of all district attorneys to see that the provisions of this section are enforced in their respective counties, and said district attorneys shall prosecute all offenders on receiving information of the violation of any of the provisions of this section; and it is hereby made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons who, there is reasonable cause to believe, are guilty of violating any of the provisions of this section. Nothing herein shall prevent the commission from prosecuting persons for violation of this section.

Subd. 11. Proceeds of actions. All moneys recovered in any penal action under this chapter, in so far as it relates to licenses, shall be remitted by the person or court recovering the same to the commission; one-half of the amount recovered in any penal action under this section, in so far as it relates to licenses, after all disbursements and expenses in relation to the same, including attorney's fees, shall have been paid, shall be paid to the person filing the complaint in such action by the state treasurer on approval of the commission, unless such person is a regular game protector.

Subd. 12. Costs. All bills for costs, disbursements and attorney's fees in any action or proceeding under this article relating to licenses shall be duly verified, presented to the commission, audited by said commission and paid on its approval by the state treasurer to the person entitled to the same.

Subd. 13. Form of license. The form of the license shall be determined and the license blank prepared by the commission, and by it furnished through the county clerks of the several counties of the state to the city and town clerks.

Subd. 14. Clerk's reports. On the thirty-first day of December

of each year the city and town clerks shall detach the stubs of licenses issued and forward the same securely attached to a report of the number issued and the amount of license money received to the county clerk of the county, whose duty it shall be to see that proper returns are made to him by all city and town clerks in his county, and to return to the commission all such stubs and reports with a final report recapitulating and tabulating the total number of licenses of all kinds issued in his county in the calendar year.

Subd. 15. Clerks reimbursed for expenses. The county clerk shall be reimbursed by the state for postage and expressage used in distributing licenses to city and town clerks and for his monthly reports required to be made to the commission; his bills therefor shall be presented, audited and paid as herein provided for other payments.

§ 186.<sup>2</sup> Penalties. Any public officer or person who violates or fails to perform any duty imposed by any of the provisions of this article is guilty of a misdemeanor, unless otherwise provided, and shall be liable to a penalty of sixty dollars; any licensee shall be liable to an additional penalty of twenty-five dollars for each bird or quadruped, or part of bird or quadruped taken or possessed in violation thereof. A non-resident or alien who violates any of the provisions of section one hundred and eighty-five is guilty of a misdemeanor, and in addition thereto shall be liable as follows: To a penalty of one hundred dollars and an additional penalty of twenty-five dollars for each fish, bird or quadruped, or part of fish, bird or quadruped taken or possessed in violation thereof.

## PART V.

### QUADRUPEDS.

Section 190. Wild deer; open season; limit; manner of taking.

191. Possession of wild deer or venison.

192. Deer; open season, special.

193. Dogs to be killed.

194. Wild moose, elk, caribou and antelope.

195. Black, gray and fox squirrels; open season; limit.

196. Hares and rabbits; open season; limit; sale.

196-a. Hares and rabbits in the counties of Schuyler, Tompkins, Columbia, Livingston, Oswego and Steuben.

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<sup>2</sup> Former § 187 thus renumbered. Former § 186 is repealed, p. 1350, post.

- 197. Beaver; close season.
- 198. Mink, raccoon and sable; open season.
- 199. Skunk.
- 200. Propagation of skunks permitted.
- 201. Muskrat; open season.
- 202. Land turtles.
- 203. Penalties.

**§ 190. Wild deer; open season; limit; manner of taking.**

1. Open season. Only wild deer having horns not less than three inches in length may be taken and from October first to November fifteenth, both inclusive, and in wholly inclosed deer parks and in the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Oswego, Saratoga, St. Lawrence, Warren and Washington, except in all that portion of Oneida, Lewis, and Jefferson counties lying westerly of the Utica and Black River railroad, from Utica to Ogdensburg.

2. Limit. A person may take two such wild deer in an open season, and the taker may transport or possess for that purpose one carcass or part thereof at any one time, or he may transport the same as provided by section one hundred and seventy-eight.

3. Manner of taking. Wild deer may be taken only on land. No jacklight or other artificial light, trap, saltlick, or other device to entrap or entice deer shall be used, made or set, nor shall any deer be taken by aid or use thereof. Deer shall not be hunted, pursued or killed by any dog or bitch.

**§ 191. Possession of wild deer or venison.** Wild deer or venison lawfully taken may be possessed from October first to November twentieth, both inclusive. A person may possess such deer or venison from November twenty-first to January first, both inclusive, provided a license so to do shall first be obtained from the commission. Deer or venison so possessed shall at all times be marked or tagged in such manner as the commission may provide. If possession of deer is obtained for transportation after October first and before midnight of November sixteenth, it may lawfully remain in the possession of a common carrier the additional time necessary to deliver the same to its destination. Possession of deer or venison, or any part thereof, from November sixteenth to January first, both inclusive, shall be presumptive evidence that the same was unlawfully taken.

**§ 192. Deer, open season, special.** Only wild deer having horns not less than three inches in length may be taken in

Ulster county and in the towns of Neversink, Cohecton, Tusten, Highland, Lumberland, Forestburg, and Bethel, and all that section of the towns of Mamakating and Thompson, lying south of the Newburgh and Cohecton turnpike, in Sullivan county, and the town of Deerpark in Orange county, from November first to November fifteenth, both inclusive.

§ 195. **Black, gray and fox squirrels; open season; limit.**

1. Open season. Black, gray and fox squirrels may be taken and possessed from October first to November fifteenth, both inclusive, except on Long Island, where they may be taken and possessed from November first to December thirty-first, both inclusive. No person shall take black, gray or fox squirrels within the corporate limits of any city or village.

2. Limit. A person may take five such squirrels, either all of one kind or partly of each, in one day.

§ 196. **Hares and rabbits; open season; limit; sale.** 1. Open season. The open season for varying hares and cottontail rabbits shall be from October first to January thirty-first, both inclusive, except on Long Island where the open season for varying hares and cottontail rabbits shall be from November first to December thirty-first, both inclusive. The use of ferrets is at all times prohibited, except that the commission may by resolution permit ferrets to be used in particular counties. The owners or occupants of inclosed or occupied farms and lands or a person duly authorized in writing by such owner or occupant may take except by use of ferrets in any manner at any time and in any number varying hares and cottontail rabbits which are injuring their property. Except in counties where the use of ferrets is permitted by the conservation commission, the possession of ferrets afield shall be presumptive evidence of their illegal use.

2. Limit. A person may take six varying hares or cottontail rabbits either all of one kind or partly of each in one day.

3. Sale. Varying hares and cottontail rabbits may be bought and sold during the open season for the taking thereof and when brought from without the state, may be bought and sold at any time and in any number.

§ 198. **Mink; raccoon and sable; open season.** Mink and sable may be taken either in the daytime or at night and in any manner and possessed from November first to April twentieth, both inclusive. Raccoon may be taken in the daytime or at night in any manner except with traps and possessed from October first to April

twentieth, both inclusive. Raccoon may be taken in any manner from November first to April twentieth.

§ 199. **Skunk.** Skunk may be taken either in the daytime or at night and in any manner, but they shall not be taken from holes or dens by digging, smoking or the use of chemicals, and they may be possessed from November first to January thirty-first, both inclusive. Skunks which are injuring property or have become a nuisance may be taken at any time in any manner.

§ 200. **Propagation of skunks permitted.** It shall be lawful to keep live skunks in captivity at all times for purposes of propagation and sale only, provided a license so to do shall first have been obtained from the commission. No skunk shall be thus kept which are taken wild during the close season for skunks, and skunks so kept shall not be disposed of in any way during the close season.

§ 201.<sup>3</sup> **Muskrat; open season.** Muskrat may be taken in any manner and possessed from November first to April twentieth both inclusive. Muskrat houses shall not be molested, injured or disturbed at any time.

§ 203. **Penalties.** A person who violates any provision of part V shall be guilty of a misdemeanor and in addition thereto, is liable as follows: For each violation of sections one hundred and ninety to one hundred and ninety-four, both inclusive, to a penalty of one hundred dollars, and to an additional penalty of one hundred dollars for each deer, elk, moose, caribou, antelope, or part of any such animal taken, possessed, purchased, sold, possessed for sale or offered for sale contrary to law; for each violation of sections one hundred and ninety-five and one hundred and ninety-six, to a penalty of twenty-five dollars, and to an additional penalty of ten dollars for each squirrel, hare or rabbit or part thereof, taken or possessed, purchased, sold, possessed for sale or offered for sale contrary to law; for each violation of section one hundred and ninety-seven, to a penalty of fifty dollars, and to an additional penalty of fifty dollars for each beaver taken or possessed contrary to law; for each violation of sections one hundred and ninety-eight and two hundred and one, to a penalty of twenty-five dollars; and for each violation of section one hundred and ninety-nine to a penalty of ten dollars for each skunk taken in violation thereof; for each violation of any of the provisions, for which a penalty is not specifically provided, to a

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<sup>3</sup>Section 201 was amended by L. 1913, ch. 147, ante. The amendments effected by said ch. 147 are incorporated in § 201 as here amended.



penalty of fifty dollars; a person convicted of a violation of section one hundred and ninety-four shall be punishable by imprisonment for a term of not less than three months nor more than one year.

## PART VI.

### BIRDS.

Section 210. Game birds defined.

- 211. Anatidæ or water fowl, open season, limit, manner of taking.
- 212. Water fowl, open season, manner of taking, special.
- 213. Rallidæ; open season, limit.
- 214. Gallinæ or upland game birds, open season, limit.
- 215. Upland game birds, open season, limit, special.
- 216. Limicolæ or shore birds, open season, limit.
- 217. Shore birds, open season, special.
- 218. Antwerp or homing pigeons.
- 219. Certain wild birds protected.
- 220. Destroying or robbing nests.
- 221. Snares, nets, and traps.
- 222. Game shall not be taken on certain public lands.
- 223. Penalties.

§ 211. **Anatidæ or water fowl; open season; limit; manner of taking.** 1. Open season. Water fowl, wild and domestic, may be taken from September sixteenth to January tenth, both inclusive. They may be possessed from September sixteenth to January fifteenth, both inclusive. There shall be no open season for wood duck and swan.

2. Limit. A person may take during the open season, not to exceed twenty-five water fowl in the aggregate of all kinds in one day. Whenever two or more persons are occupying the same boat, battery or blind, not to exceed forty water fowl in the aggregate of all kinds may be taken in one day by such persons.

3. Manner of taking. Water fowl may be taken during the open season from a rowboat, from the land, from a blind or floating device used to conceal the hunter (other than a sail or power boat) when the same shall be within fifty feet of the shore or of a natural growth of flags.

§ 214. **Gallinae or upland game birds; open season; limit.** Upland game birds may be taken and possessed as follows:

1. Quail. There shall be no open season for quail before October first, nineteen hundred and eighteen.

2. Grouse or partridge. October first to November thirtieth, both inclusive. A person may take not to exceed four grouse or partridge in one day and twenty in the open season.

3. Wild pheasants. On Thursdays in the month of October and possessed during the said month of October. Only wild male pheasants may be taken. A person may take and possess not to exceed three wild male pheasants in the open season.

4. Partridge. There shall be no open season for Hungarian or European gray legged partridge.

§ 215. Upland game birds; open season, limit, special. Quail, pheasants, and grouse may be taken and possessed on Long Island from November first to December thirty-first, both inclusive. A person may take not to exceed ten quail, six male pheasants and four grouse in any one day and fifty quail, thirty-six male pheasants and twenty grouse, in the open season on Long Island.

§ 216. Limicolæ or shore birds; open season; limit. Shore birds may be taken and possessed as follows:

1. Woodcock. October first to November fifteenth, both inclusive. A person may take not to exceed four woodcock in one day and twenty in the open season.

2. Snipe, plover, surfbirds, sandpipers, tattlers and curlews. September sixteenth to November thirtieth, both inclusive. A person may take not to exceed fifteen shore birds in the aggregate of all kinds in one day. Whenever two or more persons are occupying the same boat or blind not to exceed twenty-five shore birds may be taken in the aggregate of all kinds in one day by such persons.

§ 221. Snares, nets or traps. No wild bird, or bird for which a close season is provided, shall be trapped, netted or snared, or, if so taken, possessed. No net, trap or snare for taking pheasants, grouse or quail, shall be set, placed or used where such birds can be taken. Any such net, trap or snare is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it shall be the duty of every protector to seize and destroy any such device.

§ 223. Penalties. A person who violates any of the provisions of part VI or who violates or fails to perform any duty imposed by any provisions thereof shall be guilty of a misdemeanor, and in addition thereto shall be liable as follows: to a penalty of sixty

dollars and an additional penalty of twenty-five dollars for each bird, or part of a bird, taken or possessed, or had in possession in violation thereof.

## PART VII.

### FISH.

Section 230. Sale of minnows for bait.

231. Bass; open season; limit.

232. Trout; open season; limit.

234. Lake trout and whitefish; open season and size limit; catch; sale of.

235. Lake trout and whitefish; open season; special.

236. Pikeperch; open season; size limit; sale of.

237. Pickerel and pike; open season and limit; sale of.

238. Short nosed sturgeon; lake sturgeon; sea sturgeon; open season and size limit; sale of.

239. Maskalonge; open season and size limit; sale of.

240. Striped bass; size limit; sale of.

241. Smelt or icefish; open season and size limit; sale of.

242. Prohibited; stocking private waters.

243. Prohibited; disturbing bass, trout and lake trout while spawning.

244. Prohibited; thumping.

245. Prohibited; explosives.

246. Prohibited; obstructing streams.

247. Prohibited; polluting streams.

248. Prohibited; polluting waters used by state fish hatcheries.

249. Prohibited; drawing off water.

250. Prohibited; placing fish in certain waters.

251. Prohibited; fishing near fishways.

\*253. Tip-ups.

254. Set and trap lines.

255. Spearing.

256. Eel weirs and eel pots.

257. Frogs.

258. Penalties.

§ 232. Trout; open season; limit. 1. Open season. Trout not less than six inches in length may be taken and possessed from April fifteenth to August thirty-first, both inclusive.

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\* Section 252 omitted from schedule.

**2. Size of catch.** A person may take not to exceed ten pounds of trout in one day.

§ 234. **Lake trout and whitefish; open season and size limit; catch; sale of.** 1. Open season and size limit. Lake trout not less than fifteen inches in length and whitefish not less than one and three-quarters pounds in the round may be taken and possessed from April first to December thirty-first, both inclusive.

2. Otsego whitefish, commonly called Otsego bass, not less than nine inches in length may be taken and possessed from January first to October thirty-first, both inclusive.

3. **Size of catch.** A person may take by angling not to exceed ten lake trout in one day, but whenever two or more persons are angling from the same boat they may take not to exceed fifteen in one day. Whitefish may be taken in any number or quantity.

4. **Sale of.** Such lake trout and whitefish may be bought and sold during the open season therefor.

§ 235. **Lake trout and whitefish; open season; special.** Lake trout and whitefish may be taken in Lakes Erie and Ontario in any number or quantity from December thirty-first to October thirty-first inclusive, and when so taken may be possessed, bought and sold, provided that every person to whom a license is issued to take such fish with a net or nets operated from power boats shall, when required by the commission, furnish without charge to the commission eggs and milt from such fish taken by him during the spawning season. Such eggs and milt shall be taken by the commission for propagation only and shall be taken from the fish by the agents of the commission. The person to whom such license is issued may be required by the commission to give a bond with sufficient sureties approved by the commission conditioned that he will furnish such eggs and milt as aforesaid and permit the agents of the commission to be present in any such boat at the time of the taking of such fish for the purpose of taking such eggs and milt and conditioned that he will not hinder or delay such agent in the performance of such duty nor in the landing of such eggs and milt from said boat in good order.

Lake trout not less than fifteen inches in length and white fish not less than one and three-quarters pounds in the round taken without the state may be imported into this state at any time and when so imported may be possessed, bought and sold.

§ 241. **Smelt or icefish; open season and size limit; sale of.**

1. Open season and size limit. Smelt or icefish not less than six inches in length may be taken from the inland waters of the

state and in Lake Champlain in any number or quantity at any time. Smelt or icefish of any size may be brought from without the state or taken within the marine district.

2. Possession and sale of. Such smelt or icefish may be possessed, bought and sold at any time.

§ 242. **Prohibited; stocking private waters.** Trout or lake trout shall not be taken from any of the waters of the state for the purposes of stocking private ponds or streams. Provided, however, that any person desirous of aiding the state in the propagation and distribution of trout, may on approval of the commission, take trout eggs from trout in public waters for breeding purposes and such trout shall be returned to the waters from which they were taken. Before permission is given, or trout taken as herein provided, the applicant shall show conclusively that he has facilities for breeding trout, and must execute a satisfactory bond to the people of the state, to be approved by the commission, conditioned that he will not sell, give away, convert to his own use, or otherwise dispose of any trout, or eggs taken under said permit, and will return the young trout to public waters at such times and places as the commission may designate.

§ 246. **Prohibited; obstructing streams.** Except as provided in section two hundred and fifty-six or as directed by the commission, no person shall by means of any rack, screen, weir, or other obstruction in any creek, stream or river, prevent the passage of fish. The commission may order such an obstruction to be removed by the person erecting the same or by the owner of the land on which the same is located. A copy of the order shall be served on such person or owner. Failure to comply with the terms of such order within ten days after service of the same shall be deemed a violation of this section.

§ 247. **Prohibited; polluting streams.** No dye-stuffs, coal tar, refuse from a gas house, cheese factory, creamery, condensery or canning factory, sawdust, shavings, tanbark, lime or other deleterious or poisonous substance shall be thrown or allowed to run into any waters, either private or public in quantities injurious to fish life inhabiting the same, or injurious to the propagation of fish therein.

§ 249. **Prohibited; drawing off water; fishing.** No person shall take fish by shutting or drawing off water for that purpose. No person shall hold back or divert the water in any stream which supplies a state hatchery so as to prevent the necessary flow of sufficient water for hatchery purposes.

No person, except under authority of the commission, shall take fish from the waters of any fish hatchery.

§ 252. **Prohibited; taking fish through the ice in certain waters.** No person shall take fish through the ice in waters inhabited by trout unless an order specifying the waters and fixing the season shall first be made by the commission.

§ 253. **Tip-ups.** Tip-ups may be used, for fishing through ice except in waters inhabited by trout, to take bullheads, catfish, eels, perch, sunfish, and except during the months of March and April, pikeperch, pike and pickerel. No person shall operate or control at the same time more than fifteen tip-ups. All tip-ups must be marked with the name and address of the owner thereof.

§ 254. **Set and trap lines.** Set lines may be used except in waters inhabited by trout to take whitefish, bullheads, catfish, eels, perch, sunfish, carp, mullet and dogfish, provided an order specifying the waters and fixing the season shall first be made by the commission. Set and trap lines may be used to take sturgeon in any waters during the open season therefor, provided a license for so doing shall first be obtained from the commission.

§ 255. **Spearing.** Spears, grappling hooks, naked hooks or snatch hooks may be used, except in waters inhabited by trout, for taking whitefish, mullet, carp, catfish, dogfish, bullheads, suckers and eels at any time, provided an order specifying the waters and fixing the season shall first be made by the commission.

§ 258. **Penalties.** A person who violates any of the provisions of part VII shall be guilty of a misdemeanor, and in addition thereto is liable as follows: For each violation of sections two hundred and forty-five, two hundred and forty-seven and two hundred and forty-eight, to a penalty of five hundred dollars, and of ten dollars for each fish taken, possessed, bought or sold in violation thereof; of sections two hundred and forty-three and two hundred and forty-nine to a penalty of sixty dollars, and a penalty of ten dollars for each fish taken or possessed or placed in the waters in violation thereof; of section two hundred and forty-six, to a penalty of twenty-five dollars, and an additional penalty of ten dollars for each day the order of the commission is not complied with. A person convicted of a violation of any of the provisions of sections two hundred and forty-five, two hundred and forty-seven and two hundred and forty-eight shall be punishable by imprisonment for not exceeding one year and in addition shall be liable to the penalties herein prescribed. For a violation of any of the other provisions of part VII for which

a penalty is not specifically prescribed, or of any rule or regulation of the commission, any person shall be liable to a penalty of twenty-five dollars, and an additional penalty of ten dollars for each fish taken or possessed, bought or sold in violation thereof.

## PART VIII.

### NETS AND NETTING.

#### Section 270. Nets to be licensed.

271. Fish which may be taken with nets. Superintendent of inland fisheries.

272. Size of mesh.

273. Hauling of nets regulated.

274. Nets to be tagged and buoyed.

275. Prohibited; use of nets in certain waters.

276. Nets in Lakes Erie and Ontario.

277. Niagara river.

278. Nets in Chaumont bay and adjacent waters.

279. Nets in Hudson and Delaware rivers and adjacent waters.

280. Application.

281. Vessels to carry employees of commission.

282. Nets to be destroyed.

283. Seizure of nets; regulations in certain counties.

284. Penalties.

§ 270. Nets to be licensed. Unless otherwise provided by this article, seines, gills, fykes, pounds, traps, scaps and other nets or devices may be set or used in any of the waters of the state provided a license so to do shall be first obtained from the commission. Rules regulating the use of seines, gills, fykes, pounds, traps, scaps and other nets or devices in any of the waters of the state, and providing for the licensing of such nets, together with a license fee therefor, may from time to time be prescribed by the commission when not inconsistent with law, and such rules shall be filed in the office of the commission.

§ 271. Fish which may be taken with nets. Superintendent of inland fisheries. When permitted by the commission lake trout, whitefish, pickerel, pike, pike perch, shad, herring, striped bass, smelt or icefish and sturgeon of all kinds, of the size limit and during the open season therefor as prescribed in part seven of this article, and all fish not protected by law may be taken by nets



in waters of the state, except Seneca lake in any number or quantity. For the purpose of supervising the taking of fish with nets the commission is empowered to designate from the protectors a superintendent of inland fisheries at a salary of not to exceed twenty-five hundred dollars per annum, and his actual and necessary expenses while in the performance of his official duties, not to exceed one thousand dollars.

§ 273. **Hauling of nets regulated.** No nets or other devices for taking fish shall be hauled after sunset and before sunrise.

§ 280. **Application.** The provisions of part VIII of this article, except sections two hundred and eighty-two and two hundred and eighty-three, shall only apply to the taking of fish from Lakes Erie and Ontario, the Hudson river north of Verplanck's Point and the inland waters of the state.

§ 282. **Nets to be destroyed.** Seines, fykes, pounds, traps and other nets not authorized by law, had, set or used in or upon any of the inland or tidal waters of the state or on the shores thereof, or islands surrounded by said waters are hereby declared to be public nuisances, and shall be summarily seized, abated and destroyed by any game protector or may be sold by the commission at public auction to the highest bidder under rules and regulations established by it; provided, however, the commission may direct a game protector to retain certain nets or seines for the use of the state hatcheries. Possession of nets other than as provided for by part VIII at any time by any person in or on or within five hundred feet of any waters of the state shall be presumptive evidence that the same were unlawfully used.

§ 284. **Penalties.** Any person violating any of the provisions of any section of part VIII or of any rule or regulation of the commission prescribed hereunder shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment for a term of not less than sixty days nor more than four months, or by both such fine and imprisonment, and in addition thereto shall be liable as follows: To a penalty of five dollars for each fish taken or possessed in violation thereof.

## PART IX.

### FISHWAYS.

Section 290. Notice of construction of dam.

291. Fishways; penalties.

§ 291. **Fishways; penalties.** The commission may on notice to the owner of the land or the official directing or permitting the work, make an order to be entered in its minutes and to be served by copy on such person or official directing the construction of fishways in any dam heretofore or hereafter built, or if there be fishways, the making of changes therein in accordance with specifications to be embodied in said order and it shall be the duty of the person or official so served to comply with such order within the time to be specified in said order, and every person or officer who fails or refuses to comply with or violates such order shall be guilty of a misdemeanor and be liable to a penalty of five dollars for every day such violation, failure or refusal continues.

## PART X.

### MARINE FISHERIES.

- Section 300. Marine district described.
- 301. Bureau of marine fisheries.
  - 302. Office and clerical force.
  - 303. Reports relating to shellfish.
  - 304. Leases for cultivation of shellfish, et cetera, limitations.
  - 305. Collection of rents.
  - 306. Settlement of disputes as to shellfish leases.
  - 307. Provisions for taxation; statement of property; penalty; assessment of tax.
  - 308. Levy of tax, et cetera.
  - 309. Collection of tax.
  - 310. Sanitary inspection of shellfish grounds, et cetera.
  - 311. Duties of state commissioner of health.
  - 312. Record and certificate of inspection, et cetera, notice of condition of public shellfish grounds.
  - 313. Prohibited, sale of shellfish, unless sanitary condition be certified, et cetera.
  - 314. Taking oysters in South bay.
  - 315. Blue Point oysters.
  - 316. Shellfish beds protected.
  - 317. Dredging and raking for shellfish.
  - 318. Scallops, size limit.
  - 319. Residents only to take shellfish.
  - 320. Star-fish to be destroyed.

- 321. Prohibited; taking of lobsters under certain size.
- 322. Size of openings in lobster traps.
- 323. Residents only to take lobsters, except in certain waters.
- 324. Licenses for vessels, et cetera.
- 325. Polluting waters.
- 326. Garbage not to be thrown in certain waters.
- 327. Prohibited; use of nets in inlets.
- 328. Prohibited; nets in the Harlem river and adjacent waters.
- 329. Richmond county and Raritan bay.
- 330. Jamaica bay and adjacent waters.
- 331. Size of mesh in Coney Island creek.
- 332. Rockaway bay, Jones' inlet and adjacent waters.
- 333. Recording and fees.
- 334. Supervisors of Nassau and Suffolk counties.
- 335. Penalties.

§ 301. **Bureau of marine fisheries.** There shall continue to be a bureau of marine fisheries under the supervision and control of the commission. The commission may appoint for the bureau of marine fisheries a supervisor of marine fisheries, who shall administer the affairs of such bureau relating to shellfish and shell fisheries.

§ 302. **Office and clerical force.** The commission may appoint for the bureau of marine fisheries a deputy supervisor of marine fisheries, a cashier who shall also perform the duties of book-keeper who shall have a salary of two thousand dollars a year, a surveyor who shall have a salary of two thousand dollars a year and the expenses necessarily incurred by him in the discharge of his official duties not to exceed seven hundred dollars a year, one confidential secretary who shall have a salary of eighteen hundred dollars a year, one or more bacteriologists and such clerical assistants as are actually needed for which appropriation shall have been made by the legislature. The supervisor, the deputy supervisor and the cashier shall take and subscribe the constitutional oath of office, and shall each execute and file a bond to the people of the state in the sum of five thousand dollars with sureties approved by the commission, conditioned for the faithful performance of their duties and to account for and pay over pursuant to law, all moneys received by them or either of them in

their office. During the absence or inability to act of the supervisor, the deputy supervisor shall have and exercise all the power of the supervisor. All the officers and employees of the bureau of marine fisheries shall hold office during the pleasure of the commission.

§ 308. **Levy of tax; notice and grievance; payment of tax; tax in lieu of other taxes; limitations.** 1. **Levy of tax.** For the benefit of the state and for the protection and fostering of the shell fisheries thereof, and the maintenance of an efficient office or bureau, an annual tax at the rate of twenty-five cents per acre shall be levied and assessed upon each and every acre of shellfish ground located within this state owned, leased or possessed by any person whatsoever. The commission shall annually, and before the first day of February, levy and assess the said tax upon the property described in the statement made as aforesaid, setting forth the amount thereof, and any penalty added thereto, in the assessment book, as provided in the last section.

2. **Notice and grievance.** The commission shall thereupon serve notice on all persons whose lands are so assessed, and on which a tax is levied hereunder, which notice shall be in writing and may be served personally or by mailing the same to the last known post-office address of such person, stating that such tax roll has been completed and is on file in the office of the supervisor, the number of acres so assessed and the amount of the tax thereon, the penalties incurred, if any, and that on a day therein stated, which shall be not less than five days from the date of such notice, the supervisor or the deputy in charge of the division of fish and game will hear the complaint of all persons declaring themselves aggrieved thereby, and on such hearing sections thirty-six and thirty-seven of the tax law shall apply so far as the same are applicable and such assessment may be reviewed by certiorari in the manner provided in the tax law for the review of erroneous or illegal assessments.

3. **Payment of tax.** Such tax shall be paid to the said commission at the office of the supervisor within sixty days after the first day of February in each year, and he shall give a proper receipt therefor, and immediately enter such payment upon the assessment book with the date of payment. Such tax and any penalty thereon shall be a first lien upon all the property subject thereto, including the shellfish thereon from the first day of February in the year in which such tax is laid.

4. Tax in lieu of other taxes. The tax hereby imposed shall be in lieu of all other taxes on such property, and no other tax except as provided in this article shall be levied or imposed on said shellfish grounds, or the shellfish thereon, by any authority whatever.

5. Limitations. Sections three hundred and six, three hundred and seven, three hundred and eight, and three hundred and nine of this chapter do not apply to or affect lands under water, held and in possession under colonial patents, or legislative grants, by any town or person in the counties of Kings, Queens, Suffolk, Nassau or Richmond, or to lands under the waters of Gardiners and Peconic bays, ceded by the state to the county of Suffolk, pursuant to chapter three hundred and eighty-five of the laws of eighteen hundred and eighty-four, as amended by chapter six hundred and forty of the laws of nineteen hundred and six.

§ 310. Sanitary inspection of shellfish grounds; cancellation of certificate; service of notice; report. 1.<sup>3a</sup> Sanitary inspection of shellfish grounds. It shall be the duty of the supervisor within one year from the passage of this act, or within such further time as it may require to complete the same and annually thereafter, to cause to be inspected and examined by a competent bacteriologist, appointed by the commission, all shellfish grounds and other places within the state from which shellfish are taken, planted, cultivated or handled, with a view to ascertaining the sanitary condition of such shellfish grounds and other places, and the fitness of the shellfish in such places, or which may be taken therefrom, for use as articles of food.

2. Cancellation of certificate. The commission may, if it deems it necessary at any time, have the whole or any part of such lands and waters inspected or such places, and if the shellfish thereon or therein are found unfit for consumption, cause a certificate of inspection thereof, theretofore issued, to be canceled on ten days' written notice to the holder.

3. Service of notice. Such notice shall be in writing and shall be served on the person to whom the certificate is issued, and may be served by delivering the same to him personally or by post by letter addressed to the person on whom it is to be served at his last known place of residence, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the person is a corporation, notice shall be served by deliver-

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<sup>3a</sup> Subd. 1 is further amended by L. 1913, ch. 796, post.

ing the same or by sending it by post addressed to the office or principal place of business of such corporation.

4. Report. Such bacteriologist shall immediately after each examination and inspection make a report thereof to the supervisor of the sanitary condition of the various shellfish grounds and other places and their products inspected and examined by him.

§ 312. Record and certificate of inspection; fee; termination; revocation; transfer; notice of condition of public shellfish grounds. 1. Record and certificate of inspection. The supervisor shall determine from either or both of the reports mentioned, or such other inspection as he may order in the two preceding sections, whether such shellfish grounds and the product thereof are in a sanitary condition. He shall keep or cause to be kept an official record of such examination and inspection, and shall immediately thereafter issue a certificate setting forth the date and the result of such examination and inspection to the owners, lessees or persons in possession of such oyster beds and other shellfish grounds as shall be found to be in good sanitary condition and the product of which shall be found fit for use as food. The said certificate shall also state the name, place of residence and post-office address of the owner, lessee or person in possession of the grounds from which oysters or other shellfish are taken, or upon which the same have been planted or cultivated, and shall contain a brief description of the said shellfish grounds, their location by lot number, if possible, and the number of acres in each lot or parcel.

2. Fees. The supervisor at the time of issuing such certificate and annually thereafter shall charge and receive therefor from each person to whom a certificate is issued a fee at the rate of twenty-five cents for each acre of shellfish grounds so certified to be in a sanitary condition except that the "free bay" oyster lands in the town of Brookhaven, Suffolk county, shall be exempt from the tax of twenty-five cents per acre so long as it remains "free bay," and a fee of five dollars for the examination and certification of each place used for the water storage and floating of shellfish.

3. Termination. Each certificate unless sooner revoked shall be void after the first day of July next succeeding its issuance.

4. Revocation. The supervisor may revoke any certificate as to any lot or parcel which may thereafter become unsanitary, and a new certificate shall in such case be issued for the remaining lots or parcels without fee.

5. **Transfer.** In case any shellfish grounds or parcels thereof are sold or leases thereof transferred, a new certificate shall be issued to the purchaser or purchasers thereof upon application to the supervisor.

6. **Notice of conditions of public shellfish grounds.** The supervisor shall, after examination and inspection of public shellfish grounds, give to the public, notice of the result of such examination and inspection. Such notice shall be published in a newspaper published in the county and posted in three public and conspicuous places in the town in which said shellfish grounds are located. The actual expense of making such examination and inspection shall be a charge upon and paid by the towns within which such public shellfish grounds are located and the fee provided for in subdivision two of this section shall not apply in such case.

For the purposes of this section the term public shellfish grounds shall be taken to mean shellfish grounds owned by the state or any municipality but which have not been leased or otherwise granted to any person or private corporation.

§ 318. **Scallops; size limit.** Scallops shall not be taken or possessed, if less than one year old.

§ 332. **Rockaway bay, Jones' inlet and adjacent waters.** Nets shall not be used in Jones' inlet inside of the first spar buoy or inside of a line drawn three-quarters of a mile easterly and westerly from said buoy or in any of the following creeks, runs or water running into or tributary to Jones' inlet, namely: Long creek, below the sharp point of the marsh; Sea Dog creek, below a line drawn northerly and southerly from the easterly end of Elder island; Shell creek, below the point of the gunning lead; Swift creek, below the upper point of Swift creek on the easterly side thereof; Haunt's creek, below a line drawn from the upper side of Haunt's creek point and Old Ben's point.

§ \*355. **Penalties.** Except as otherwise provided in part X, a person who violates any provision of any section thereof or any rule or regulation of the commission prescribed thereunder shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in a county jail or penitentiary for not less than one day for each dollar of such fine or by both such fine and imprisonment and in addition shall be liable to a penalty of fifty dollars.

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\* So in original. [§ 335 evidently intended.]



## PART XI.

## PRIVATE PARKS.

Section 360. Laying out private parks.

361. Notices in private parks.

362. Protection of private lands not parks.

364. Signs not to be defaced.

365. Fish and game protected.

366. Penalties.

§ 360. **Laying out private parks.** A private park for the propagation and protection of fish, birds or quadrupeds may be established by the owner or person having the exclusive right to hunt or fish on private land or land and water, by publishing once a week for not less than four weeks in a newspaper printed in the county where such land or land and water are situated, a notice substantially describing the same and stating that it will be used as a private park to propagate and protect fish, birds or \*quadrupeds. Part of a private lake or pond may be laid out in a private park, if all riparian owners, including owners of the bed thereof, consent thereto in writing. If the state of New York be such owner such consent may be given by the commission. But waters stocked with fish by the state at any time after April seventeenth, eighteen hundred and ninety-six, shall not be laid out in any such park. If waters or lands are hereafter stocked by the state with fish or game with the consent of the owner, the provisions of part XI shall no longer apply thereto.

§ 361.<sup>4</sup> **Notices in private parks.** Notices or signboards not less than one foot square warning all persons against hunting or fishing or trespassing thereon for that purpose, shall be conspicuously posted and maintained on a private park not more than forty rods apart close to and along the entire boundary thereof and the shores or banks of the principal waters or streams therein, and there shall be so placed at least one notice or signboard on each side and one at each corner of such park and where an outer boundary runs along or under any waters, the nearest shore or banks within the park shall be deemed the boundary for the purpose of posting such notices or signboards.

§ 362. **Protection of private lands not parks.** An owner or person having the exclusive right to hunt or fish upon inclosed or

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\* So in original.

<sup>4</sup>Section 361 is again amended by L. 1913, ch. 746, post. The amendments effected here are not all incorporated in § 361 as amended by said ch. 746.

cultivated lands, or to take fish in a private pond or stream and desiring to protect the same, shall maintain notices or signboards, of the size and posted and maintained in the manner described in the preceding section.

§ 364. **Signs not to be defaced.** No person shall injure, deface, or remove, a notice or signboard, placed or maintained pursuant to the provisions of this article.

§ 365. **Fish and game protected.** No person shall take or disturb fish, birds or quadrupeds on any private park or private lands or trespass thereon for that purpose, after notices are posted as prescribed herein.

§ 366. **Penalties.** A person who violates any provision of part XI shall be guilty of a misdemeanor, and shall be liable to exemplary damages in the sum of twenty-five dollars for each offense or trespass to be recovered by the owner of the lands, or hunting and fishing rights thereon, with costs of suit, in addition to the actual damages, all of which may be recovered in the same action. The consent in writing of such owner to hunt or fish on said lands during the open season shall be a defense to a prosecution under this section.

## PART XII.

### BREEDING, IMPORTATION AND SALE OF FISH AND GAME.

Section 370. Lake trout and other fish; transportation of; sale during close season.

371. Sale of trout raised in private hatcheries.

372. Breeding of elk, deer, pheasants, and ducks, et cetera.

373. Certain mammals and birds may be imported from without the United States and sold.

374. Fees.

375. Storage of fish.

376. Penalties.

§ 370. **Lake trout and other fish; transportation of; sale during close season.** Fish that may be lawfully sold under the provisions of this article, if lawfully taken in another state or country, may be transported into this state and possessed during the open season prescribed by this article. Provided, however, that no person shall transport into this state, or possess, any fish caught in that portion of Lake Champlain or its tributaries known as Missisquoi bay, lying and being in the province of Quebec, or

the Richelieu river, which is the outlet of said lake, at any time. During the close season therefor any person may buy, possess and sell lake trout, whitefish, pickerel, pike, pike perch, shortnosed sturgeon and striped bass taken without the state, provided, however, such person shall keep a book of record in which he shall enter the name, residence and post-office address of every person from whom he shall buy, sell to or ship such fish and at all times shall permit the commission, or any member or officer thereof to make a full examination of his books and papers relating to the purchase and sale of fish, and when required by the commission, furnish the original invoice or invoices, freight or express receipts used in the transportation thereof.

§ 372. **Breeding of elk, deer, pheasants and ducks; license; manner of killing; tagging; transportation; sale; reports; fencing; revocation of license.**

1. **License.** Any person desiring to engage in the business of raising and selling domesticated American elk, white-tailed deer, European red deer and fallow deer, roebuck, pheasants, mallard ducks and black ducks, or any of them, in a wholly enclosed preserve, or entire island, of which he is the owner or lessee, may make application in writing to the commission for a license so to do. The commission, when it shall appear that such application is made in good faith, shall, upon the payment of a fee of five dollars, issue to such applicant a breeder's license permitting such applicant to breed and raise domesticated American elk, white-tailed deer, European red deer and fallow deer, roebuck, pheasants, mallard ducks and black ducks, or any of them, on such preserve or entire island, and to sell the same alive at any time for breeding or stocking purposes and to kill and transport the same and sell the carcasses thereof for food as hereinafter provided. Such license shall expire on the last day of December in each year at midnight.

2. **Manner of killing.** Any person to whom such a license shall have been issued may kill such elk, deer, pheasants or ducks in the manner and at the time herein set forth, as follows: Elk or deer may be killed by shooting, or otherwise, between the first day of October and the first day of March, both inclusive. Pheasants may be killed by shooting, or otherwise, between the first day of October and the thirty-first day of January, both inclusive. Mallard ducks and black ducks may be killed by shooting or otherwise than by shooting, from the first day of October to the tenth day of January, both inclusive, but if said ducks are killed by shooting

they shall not be bought, sold or trafficked in. Any person may possess or sell such elk, deer, pheasants or ducks for food as hereinafter set forth. A breeder of pheasants under a license, as herein provided, may, during the month of February, kill by shooting his surplus cock pheasants, provided he shall first obtain a license from the commission so to do.

3. Tagging. No elk, deer, pheasants or ducks, killed as aforesaid and intended for sale, shall be shipped, transported, sold or offered for sale, unless each quarter and each loin of each carcass of such elk or deer, and each pheasant or duck shall have been tagged under the supervision of the commission with an indestructible tag or seal, which shall be supplied by the commission. The quarters and loins of the carcass of such elk or deer, and the carcasses of such pheasants or ducks, when tagged as aforesaid, may be possessed, sold or offered for sale between October first and March first, both inclusive. Every game protector or person designated by whom such elk, deer, pheasant or ducks shall have been tagged, shall, within five days thereafter, make and file with the commission a written report thereof, said tags or seals shall remain affixed as aforesaid until the quarters or loins of such elk or deer, or the carcasses of such pheasants or ducks shall have been wholly consumed, and the sale of a quarter, loin, or any larger portion of any such elk or deer, or the carcass of any such pheasant or duck, which shall not at the time have affixed thereto the tag or seal aforesaid, shall constitute a violation of this section, provided, however, that the keeper of a hotel, a restaurant, a boarding house or a retail dealer in meat or a club, may sell portions of a quarter or loin of any such elk or deer, or of the carcass of any such pheasants or ducks so tagged or sealed as aforesaid, to a patron or customer for actual consumption, and no license shall be required of such person or club.

6. Reports. On or before the fifteenth day of April of each year every person, to whom a license shall have been issued as aforesaid, shall make a report to the commission covering the period from the first day of October to the first day of March preceding, which said report shall state the total number of elk, deer, pheasants, mallard and black ducks killed, sold or transported, as permitted by the provisions of this section, during said period.

Such reports shall set forth the name of the person to whom such elk, deer, pheasants or ducks were sold or transported; the name of the game protector or person designated in whose pres-

ence such elk, deer, pheasants or ducks were tagged, and such reports shall be verified by the affidavit of the person to whom such license was issued, or if the license was issued to a corporation, then by an officer thereof.

7. Deer preserves to be fenced. A preserve used for the breeding of elk or deer, pursuant to this section, shall be surrounded by a fence of wire or other material of a pattern to be approved by the commission of a height not less than seven feet.

8. Revocation of license. If any person to whom any such license shall have been issued shall be convicted of a violation of the conservation law in relation to fish and game, the commission may revoke the license of such person, and thereafter no similar license shall be issued to such person.

§ 373. Certain mammals and birds may be imported from without the United States and sold. The unplucked carcasses of pheasants of all species, Scotch grouse, European black-game, European black plover, European red-legged partridge, Egyptian quail, and the carcasses of European red deer, fallow deer, roebuck and reindeer may be imported into this state from without the United States and sold therein at any time, provided, nevertheless, that immediately upon their importation and before they shall have been sold by the importer, there shall be affixed to each bird and to each quarter and each loin of each deer a tag or seal in the manner provided by section three hundred and seventy-two. The said tags or seals shall remain, as aforesaid, until the quarters and loin of such deer, and each bird to which it shall be affixed shall have been consumed, and the sale of any quarter, loin or larger portion of such deer, or of any portion of such bird which shall not at the time have affixed to it the tag or seal aforesaid shall constitute a violation of this section. Provided, nevertheless, that the keeper of a hotel, a restaurant, a boarding house or a retail dealer in meat or a club may sell portions of a quarter or loin of any such deer so tagged, or portions of any birds so tagged to a guest, customer or member for consumption. No dealer other than the keeper of a hotel, a restaurant, a boarding house or a retail dealer in meat or a club shall sell or offer for sale any such game imported and tagged as aforesaid without first obtaining a license so to do from the commission upon such terms and conditions as the commission may prescribe. Such license shall expire on the last day of December in each year at midnight unless sooner revoked by the commission.

§ 376. **Penalties.** A person who violates or fails to perform any duty imposed by any of the provisions of part XII shall be guilty of a misdemeanor, and liable to a penalty of sixty dollars and an additional penalty of twenty-five dollars for each fish, bird, or quadruped or part of fish, bird or quadruped bought, sold, offered for sale, taken, possessed, transported or had in possession for transportation in violation thereof.

§ 380. 7. "Game" includes wild game, game protected by law, domestic game and imported game.

8. "Wild game" and "game protected by law" include all game birds as defined and mentioned in section two hundred and ten, and all quadrupeds for which a close season is provided.

17. "Pikeperch" includes walleyed pike, commonly called pike, and yellow pike.

§ 381. **Application of article.** In all cases where possession, purchase or sale of fish or game or of the flesh of any quadruped, bird or fish is unlawful, possession, purchase or sale of the same species of fish or game or of the flesh of the same species of quadruped, bird or fish coming from or taken without the state, shall be deemed to be and is, except as otherwise expressly provided herein, unlawful.

§ 382. **Construction.** This article is intended to be a restatement of existing law with such changes as clearly appear. The term of office of the present employees of the commission in the division of fish and game shall not be affected, except as herein specifically provided. Nothing in this article shall be construed as amending or repealing any provisions of the code of criminal procedure nor of the penal law.

§ 173 added. § 2. Article five aforesaid is hereby further amended by inserting therein a new section, to be section one hundred and seventy-three, to read as follows:

§ 173. **Suits against protectors.** It shall be the duty of the attorney-general on request of any regular game protector, accompanied with the approval of the commission, to appear in and defend as attorney any action or proceeding prosecuted against the protector for or on account of any act of his done while holding such office and when such act was, in the opinion of the attorney-general, done in discharge of the protector's official duty or in reasonable exercise of his authority.

§ 3. The following sections of article five aforesaid are hereby repealed, namely: Section one hundred and eighty-six,<sup>5</sup> sec-

§§ 186, 233,  
292, 293, 363  
repealed.

<sup>5</sup> See foot note, p. 1327, ante.

tion two hundred and thirty-three, section two hundred and ninety-two, section two hundred and ninety-three, section three hundred and sixty-three.

§ 4. Section numbered three hundred and eighty-three of chapter three hundred and eighteen of the laws of nineteen hundred and twelve is renumbered section two and section numbered three hundred and eighty-four of the same act is hereby renumbered section three.

L. 1912,  
ch. 318,  
§§ 383, 384  
renumbered  
§§ 2, 3.

§ 5. This act shall take effect immediately.

## Chap. 509.

AN ACT to amend the education law, relative to persons entitled to annuities from the public school teachers' retirement fund.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended by adding thereto, at the end of article forty-three-b, as added by chapter four hundred and forty-nine of the laws of nineteen hundred and eleven, a new section, to be section eleven hundred and nine-c, to read as follows:

§ 1109c  
added to  
L. 1909,  
ch. 21, as  
generally  
amended by  
L. 1910,  
ch. 140.

§ 1109-c. **Service as school commissioner to be counted.** In computing the term of service of a teacher for the purpose of granting an annuity to such teacher under the provisions of this article, the time during which any such teacher shall have filled the office of school commissioner as defined in section three hundred of the education law, being chapter twenty-one of the laws of nineteen hundred and nine, and which office was abolished by chapter six hundred and seven of the laws of nineteen hundred and ten, prior to the time this amendment takes effect, shall be included.

§ 2. This act shall take effect immediately.



## Chap. 510.

AN ACT to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," relative to easements acquired or reserved for the construction of rapid transit railroads.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

L. 1891,  
ch. 4, § 20,  
as amended  
by L. 1909,  
ch. 498 and  
L. 1910,  
ch. 506,  
amended.

Section 1. Section twenty-three<sup>1</sup> of chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," as amended and re-numbered by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, and as further amended by chapter five hundred and six of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 20. **Real estate; proceedings to acquire title.** Every corporation which shall have taken or shall take or hold any franchise or contract to construct, maintain and operate a railroad under the provisions of this act shall have the right to acquire and hold such real estate or easement or other interest therein, or rights appurtenant thereto, as may be necessary to enable it to construct, maintain and operate the said railroad or railroads and such as may be necessary for stations, depots, engine houses, car houses, machine shops and other appurtenances; and in case any such corporation cannot agree with the owner or owners of such property it shall have the right to acquire title to the same in pursuance of the terms and in the manner prescribed in title one of chapter twenty-three of the code of civil procedure known as the condemnation law. <sup>2</sup>The existence of an easement acquired or reserved by any such corporation for any of the purposes specified in this section, shall not be deemed an incumbrance under any law relating to investments in mortgages upon real property

<sup>1</sup> Section was renumbered § 20 by L. 1909, ch. 498.

<sup>2</sup> Following sentence new.

by corporations, trustees, executors, administrators, guardians or other persons holding trust funds, but the effect of such an easement upon the real property which it affects, shall be taken into consideration in determining the value thereof. When any corporation authorized under any provision of this act to construct, maintain or operate an additional track or tracks added to any existing elevated railroad or to construct, maintain or operate an extension of such railroad or to acquire terminal or other facilities for any such railroad or extension shall have duly instituted condemnation proceedings, under the provisions of chapter twenty-three of the code of civil procedure, by serving a petition and notice in said proceedings, to acquire such real estate or easements therein, or rights appurtenant thereto, as may be necessary to construct, maintain or operate such additional track or tracks, extension or terminal or other facilities, the court, upon due hearing had at a special term of the supreme court held in the judicial district where the property or some portion of it is situated, and upon notice in said proceedings served upon all the owners of the property at least eight days prior to said hearing, in the manner prescribed in title one of chapter twenty-three of the code of civil procedure for the service of the petition and notice, may, where it appears to its satisfaction that the public interests will be prejudiced by delay, direct that the plaintiff be permitted to enter immediately upon the real property to be taken and devote it temporarily to the public use specified in the petition, upon depositing with the court such sum or giving an undertaking in such amount and subject to such conditions as the court may deem sufficient to secure the payment of the award that may be made, and the costs and the expenses of the proceedings and for the payment of any damages which the defendant in such proceedings may have sustained by such entry upon and use of his property; but the sum so deposited or undertaking so given shall be at least equal to twice the assessed valuation, if any, of any real estate to be so taken. The court may, at any time, upon like hearing and notice given by either party to said proceedings, give such further directions in respect to any such deposit, undertaking or condition as it may deem just and proper, and in every case the owner may conduct the proceedings to a conclusion if the plaintiff delays or neglects to prosecute the same and if the sum so deposited or security so given shall be insufficient to pay the said award and said costs, expenses and damages, and if the plaintiff shall fail

to pay the amount of such deficiency, judgment shall be entered against the plaintiff for the deficiency and the possession of the property shall be restored to the defendant.

§ 2. This act shall take effect immediately.

## Chap. 511.

AN ACT to amend the education law, relative to schools in common school districts.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 21,  
§ 492,  
subds. 2, 4,  
as gen-  
erally  
amended  
by L. 1910,  
ch. 140,  
amended.

Section 1. Subdivisions two and four of section four hundred and ninety-two of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, are hereby amended to read as follows:

Conditions  
for appor-  
tionment  
of school  
moneys to  
school  
district.

2. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher or by successive qualified teachers for at least one hundred and eighty<sup>1</sup> days, inclusive of legal holidays that may have occurred during the term of said school and exclusive of Saturdays.

What con-  
stitutes  
180 days  
of school.

3.<sup>2</sup> No Saturday shall be counted as part of said one hundred and eighty days of school and no school shall be in session on a legal holiday, except general election day, Washington's birthday and Lincoln's birthday. A deficiency not exceeding six days during any school year caused by a teacher's attendance upon teachers' conferences held by district superintendents of schools within a county, shall be excused by the commissioner of education. In common school districts the term of school shall begin each year on the first Tuesday of September.

§ 395,  
subd. 2, as  
amended

§ 2. Subdivision two of section three hundred and ninety-five of

<sup>1</sup> Formerly "sixty."

<sup>2</sup> Formerly subd. 4. No subd. 3 in original act. This subdivision is materially amended.

such chapter, as amended by chapters one hundred and forty and six hundred and seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

by L. 1910,  
chaps. 140,  
607,  
amended.

2. To assemble all the teachers of his district by towns or otherwise,<sup>3</sup> for the purpose of conference on the course of study, for reports of and advice and counsel in relation to discipline, school management and other school work, and for promoting the general good of all the schools of the district. <sup>4</sup>Teachers shall be entitled to compensation for days actually in attendance upon such conference.

Power of  
district  
superin-  
tendent to  
call con-  
ference of  
teachers.

§ 3. Subdivision two of section six hundred and twenty-one of such chapter, as amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 621,  
subd. 2, as  
generally  
amended  
by L. 1910,  
ch. 140,  
amended.

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction <sup>5</sup>during the entire time that the school in the district shall be in session as follows:

Required  
attendance  
upon in-  
struction.

(a) Each child between eight and fourteen years of age.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

§ 4. Sections eleven hundred and eleven hundred and eight of such chapter, as so amended by chapter one hundred and forty of the laws of nineteen hundred and ten and chapter four hundred and forty-nine of the laws of nineteen hundred and eleven,<sup>6</sup> is hereby further amended to read as follows:

§§ 1100,  
1108, as  
added by  
L. 1911,  
ch. 449,  
amended.

§ 1100. **Definitions.** The word "teacher" as used in this article includes teachers and principals employed in public schools of the cities and school districts of the state and in schools on the Indian reservations,<sup>7</sup> and shall also include superintendents employed as provided by law in cities and union free school districts having a population of five thousand or more, <sup>8</sup>and district

<sup>3</sup> Words "on days other than legal holidays when schools are not in session," omitted.

<sup>4</sup> Following sentence new.

<sup>5</sup> Remainder of subd. 2 formerly read: "as many days annually between the first day of October and the following June as the public school of the district in which such child resides, shall be in session during such period, as follows: "

<sup>6</sup> Sections 1100, 1108 were added by L. 1911, ch. 449.

<sup>7</sup> Words "and in schools on the Indian reservations," new.

<sup>8</sup> Remainder of sentence new.

superintendents of schools appointed as provided by law in the supervisory districts of the several counties of the state. <sup>8</sup>Services as such district superintendents or as school commissioners shall be deemed to be teaching in the public schools within the meaning of this article. The words "retirement fund" as used in this article shall mean the New York state teachers' retirement fund for public school teachers as established by this article. <sup>9</sup>The term "school commissioner" as used in any section of this article shall be deemed to mean the district superintendent of schools.

§ 1108. **Contributions by teachers; deductions from salaries.** All teachers employed in the public schools in this state except in those counties, districts or cities in which provision is already made by statute for the retirement of public school teachers and the payment of annuities or pensions to such teachers, who enter into contracts for such employment after the date on which this act takes effect, shall contribute to the teachers' retirement fund one per centum of the salaries to be paid to such teachers annually according to the terms of such contracts. <sup>9</sup>District superintendents of schools shall contribute to such fund one per centum of the salaries received by them for their services, either from the state or from the towns comprising their supervisory districts, as provided by law. On and after such date all such contracts shall be deemed to have been made subject to the provisions of this article, and the requirement as to such contribution shall become a part of and enter into all such contracts. Any teacher employed under a contract entered into prior to the taking effect of this act may elect to contribute one per centum annually of the salary paid pursuant to such contract and shall thereupon become entitled to all the privileges conferred by this article.

Boards of education, trustees and other school authorities having duties to perform in respect to the payment of salaries to public school teachers in their districts or cities, shall cause to be deducted from each warrant or order issued to any of such teachers for the payment of the salary of such teachers, the amount due by such teacher to the teachers' retirement fund. <sup>9</sup>The commissioner of education shall cause to be deducted from the salaries paid to teachers employed in schools on the Indian reservations and to district superintendents of schools the amount required to be contributed by them to the teachers' retirement fund, and shall cause the same to be paid into such fund.

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<sup>9</sup> Following sentence new.

§ 5. Subdivision two of section eight hundred and thirty-two of such chapter, as so amended by chapter one hundred and forty of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 332, subd. 2, as generally amended by L. 1910, ch. 140, amended.

2. The said state normal college shall be as heretofore, under the supervision, management and government of the commissioner of education and the regents of the university. The said commissioner and regents shall from time to time, make all needful rules and regulations; fix the number and compensation of teachers and others to be employed therein; prescribe the examination and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective counties conforming as nearly as may be to the ratio of population, and provide in all things for the good government and management of the said college. <sup>9</sup>The board of trustees of such college may appoint a secretary and a treasurer and fix their compensation.

Supervision and government of state normal college.

§ 6. This act shall take effect immediately.

## Chap. 512.

AN ACT to amend the education law, in relation to the libraries of the supreme court in the first department.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eleven hundred and sixty-six of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," as amended by chapter one hundred and forty of the laws of nineteen hundred and ten and chapter eight hundred and thirty-two of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

L. 1909, ch. 21, § 1166, as amended by L. 1910, ch. 140, and L. 1911, ch. 832, amended.

§ 1166. Supreme court library at New York. The law libraries of the superior court of the city of New York and of the court of common pleas of said city and county as consolidated,

<sup>9</sup> Following sentence new.

and the books therein, shall be the law library of the supreme court in the first judicial district and shall be in the care and custody and under the control of the justices of the supreme court in said judicial district, or a majority of them, not designated as justices of the appellate division, who shall be the trustees thereof. The said trustees may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for injury to said library. They may appoint a librarian and fix his salary at not to exceed the sum of four thousand dollars per annum. <sup>1</sup>They may also appoint an assistant librarian and a telephone operator and fix their salaries. They may procure proper furniture for said library, purchase books therefor and defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment, who shall provide for raising and paying the same.

§ 2. This act shall take effect immediately.

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## Chap. 513.

AN ACT to amend chapter ninety-one of the laws of eighteen hundred and ninety-five, entitled "An act to amend the incorporation of 'The Society of the War of Eighteen Hundred and Twelve,'" in relation to the council of administration, corps membership and organization.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter ninety-one of the laws of eighteen hundred and ninety-five, entitled "An act to amend the incorporation of 'The Society of the War of Eighteen Hundred and Twelve,'" is hereby amended by adding thereto three new sections, to be sections sixteen, seventeen and eighteen, to read, respectively, as follows:

§§ 16-18  
added to  
L. 1895,  
ch. 91.

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<sup>1</sup> Following sentence new.



§ 16. The Society of the War of Eighteen Hundred and Twelve, organized as the association for patriotic and other laudable purposes of the veteran corps of artillery of this state by the veteran original members thereof who served in that war, shall continue to have for members of such association only the duly admitted members of said separate and distinct corps, provided, however, that representatives otherwise duly qualified or former veteran original members of said corps who served in the war of the revolution but not in the war of eighteen hundred and twelve, and, under like conditions, representatives of other veterans of the war of the revolution, may, under such regulations as the council of administration of said organization may prescribe, be admitted in its service detachment. Every member whereof shall upon enrollment therein for the statutory term take the oath prescribed in section three of the act to which this act is amendatory, subject, nevertheless, to all other duties required by law in like manner as said corps under section three of the act of congress of May twenty-seventh in the year nineteen hundred and eight in relation thereto.

Admission of representatives of veterans of war of revolution to membership.

§ 17. The several duties of secretary ex-officio of The Society of the War of Eighteen Hundred and Twelve and recorder of the council of administration and of the board of officers of said corps shall be performed by the adjutant of said organization but it shall be competent for said council to devolve all the duties of said office on the brigade major, and any oath required by this act or the acts to which this act is amendatory may be administered by any officer of said corps.

Duties of secretary ex-officio to be performed by adjutant or brigade major.

Administration of oaths.

§ 18. The Society of the War of Eighteen Hundred and Twelve shall have no officers other than those of said corps acting for said society ex-officio and as deemed most conducive to the improvement of said corps, subject, however, to the requirements of section thirteen of the act to which this act is amendatory concerning examinations, but excepting therefrom any officer who has served as such for fifteen years in the same. All the officers thereof may be chosen and appointed by said council from said organization or from those duly enrolled as herein provided and no longer be limited to selection from their own number as prescribed in section five of the act to which this act is amendatory; provided, however, that the colonel commandant if not a member of said council when appointed shall be an additional member thereof while holding said office and

Officers.

Eligibility.

Colonel commandant to be additional member of

council,  
when;  
authority.

Amend-  
ments to  
this act.

continue to have the authority of grade as originally provided therefor by law but shall not hereafter, except for examinations, act as a member of the board of officers for any purpose specified in section eight of the act to which this act is amendatory, which said section shall include also those comprehended in section sixteen of this act, nor shall any charge be considered by said board nor finding thereon be put into effect except with his approval or that of the officer acting for the time being in such office, who may when there shall be a vacancy on said board from any cause assign another officer to the same until the business is concluded, but no provision or section of this act nor of said act to which this act is amendatory, unless already made subject therein to amendment, shall be deemed to be amended or repealed in whole or in part by any subsequent statute unless explicitly referred to.

§ 2. This act shall take effect immediately.

## Chap. 514.

AN ACT to amend the general business law, in relation to weights, measures and containers.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 25,  
§ 17a, as  
added by  
L. 1912,  
ch. 81,  
amended.

Section 1. Section seventeen-a of chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," as added by chapter eighty-one of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 17-a. When sections sixteen, sixteen-a and seventeen shall not apply. Sections sixteen, sixteen-a and seventeen shall not apply to containers or commodities in containers with ornamentations or decorations exclusively for gifts or social favors, or to commodities dispensed for consumption on the premises, or to commodities or containers put in receptacles used merely for the purpose of carrying or delivering of commodities or containers complying with the provisions of such sections, or when the numerical count of the individual units is six or less, or in the

case of liquids when the contents is two fluid ounces or less, or when the weight of the contents is three avoirdupois ounces or less, or to commodities packed, put up or filled prior to eight months after this section takes effect, or to barrels, half barrels, quarter barrels, casks, kegs and packages used for the purpose of containing maltous beverages; or to<sup>1</sup> bottles used for the purpose of the bottling of spirituous, maltous, vinous, or carbonated beverages until two years<sup>2</sup> after this section takes effect.

§ 2. This act shall take effect June first, nineteen hundred and thirteen.

In effect  
June 1,  
1913.

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## Chap. 515.

AN ACT providing for the repair of damage done by recent floods to portions of the Barge canal system of the state, completed under the provisions of chapter one hundred and forty-seven of the laws of nineteen hundred and three as amended, and chapter three hundred and ninety-one of the laws of nineteen hundred and nine, and making an appropriation therefor.

Became a law May 14, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the repair of damage done by recent floods to portions of the Barge canal completed under the provisions of chapter one hundred and forty-seven of the laws of nineteen hundred and three as amended, and chapter three hundred and ninety-one of the laws of nineteen hundred and nine, and for the rebuilding of damaged structures and works on and connected with such completed portions of the Barge canal system; such moneys to be payable to the superintendent of public works, by the treasurer, on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Words "barrels, half barrels, quarter barrels, casks, kegs and packages used for the purpose of containing maltous beverages; or to," new.

<sup>2</sup> Words "two years" substituted for words "eight months."

## Chap. 516.

AN ACT providing for the repair of damage done by floods to the canals of the state, and making an appropriation therefor.

Became a law May 14, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the reconstruction of embankments, re-laying of slope walls and repair of other damage done by recent floods to the present canals of this state and their structures, and for such equipment as may be necessary for maintaining navigation on the damaged sections of the state canals; such moneys to be payable to the superintendent of public works, by the treasurer, on the warrant of the comptroller.

§ 2. This act shall take effect immediately.

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## Chap. 517.

AN ACT to amend the highway law, in relation to the duties of the secretary.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 30,  
§ 132, as  
amended  
by L. 1911,  
ch. 646,  
amended.

Section 1. Section one hundred and thirty-two of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter six hundred and forty-six of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 132. Responsibility of commissioner<sup>1</sup> of highways for the performance of contracts for construction or improvement of state and county highways; suspension of work under contract; completion by commissioner of highways. The performance of every contract

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<sup>1</sup> Formerly "state superintendent."

for the construction or improvement of a state or county highway shall be under the supervision and control of the commissioner<sup>1</sup> of highways, and it shall be his duty to see that every such contract is performed in accordance with the provisions of the contract and with the plans and specifications forming a part thereof. For such purpose, the commissioner<sup>1</sup> of highways, shall have the direction and control of the deputies, secretary,<sup>2</sup> division engineers, officers, clerks and employees of the commission.<sup>3</sup> If the commissioner<sup>1</sup> of highways shall determine that the work upon any contract for the construction or improvement of a state or county highway is not being performed according to the contract or for the best interests of the state, he<sup>4</sup> may suspend or stop the work under the contract while it is in progress, and the commissioner<sup>1</sup> of highways shall thereupon complete the work in such manner as will accord with the contract specifications, and be for the best interests of the state, or he<sup>5</sup> may cancel the contract and re-advertise and relet as provided in section one hundred and thirty and any excess in the cost of completing the contract beyond the price for which it was originally awarded shall be charged to and paid by the contractor failing to perform the work. Every contract for the construction or improvement of a state or county highway shall reserve to the commission the right to suspend or cancel the contract as above provided, and to complete the work thereunder or readvertise and relet as the commission may determine.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Formerly "state superintendent."

<sup>2</sup> Word "secretary" new.

<sup>3</sup> Words "except the secretary of the commission," omitted.

<sup>4</sup> Words "shall certify to the commission and the commission," omitted.

<sup>5</sup> Word "he" substituted for word "it."

Chap. 518.

AN ACT in relation to extending the boundaries of the city of Utica by annexing thereto part of the town of Deerfield.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Submission  
of propo-  
sition.

Description  
of territory.

Section 1. The town board of the town of Deerfield, Oncida county, shall cause to be submitted to the electors of such town at the general election to be held therein in November, nineteen hundred and thirteen, the following proposition: "Shall the following described territory constituting a part of the town of Deerfield be annexed to and form a part of the city of Utica:" Beginning at a point in line with the easterly line of the Northrup farm in said town nine hundred feet northerly of the middle of the highway known as the "Back Road," measured in a straight line; thence running in a straight line northwesterly across the said town of Deerfield to a point on the westerly line of the Trenton road, so called, one hundred feet southerly of the southeast corner of the J. Schilz residence, and thence continuing on said straight line to the boundary lines of the towns of Deerfield and Marcy, and thence south along said boundary line to the boundary line between the city of Utica and the town of Deerfield; thence easterly along the boundary line between the city of Utica and the town of Deerfield to the easterly line of the Northrup farm and thence northerly to the place of beginning?

How sub-  
mitted.

Effect of  
adoption.

§ 2. Such proposition shall be submitted in the form and manner prescribed by the election law, and all the provisions of the election \* in relation to the submission of propositions shall apply thereto. If such proposition be adopted by a majority of all the votes cast thereon, such territory shall be annexed to the city of Utica on the first day of January, nineteen hundred and fourteen, and shall thereafter constitute a separate ward of such city to be known as the sixteenth ward, and all the laws applicable to the city of Utica, not inconsistent with the provisions of this act, shall apply to such territory.

\* So in original.

§ 3. Property belonging to the town of Deerfield or to any school district situated in territory annexed to such city pursuant to this act, shall after annexation belong to the city of Utica. All the bonded indebtedness, including principal and interest of any school district, the whole or any part of whose territory is annexed pursuant to this act to the city of Utica, and such portion of the bonded indebtedness of the town of Deerfield, including principal and interest, as shall be a charge on such territory, shall be a charge upon and paid by the city of Utica as the same becomes due and payable and in the proportion to the whole debt of such town or school district as the assessed valuation of the part of such school district or town annexed to such city bears to the whole valuation of such school district or town, as shown by the last assessment-roll of the town of Deerfield made prior to the passage of this act.

Property of town or school district in territory annexed. Apportionment of bonded indebtedness.

§ 4. Unpaid taxes levied prior to January first, nineteen hundred and fourteen against persons or property in territory annexed to the city of Utica pursuant to the provisions of this act, shall be due and payable and collected in all respects as if this act had not been enacted.

Unpaid taxes.

§ 5. This act shall take effect immediately.

## Chap. 519.

AN ACT to amend the insurance law, in relation to applications for policies of insurance.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fifty-five of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as amended by chapter six hundred and thirty-four of the laws of nineteen hundred and ten, is hereby amended to read as follows:

L. 1909, ch. 33, § 55, as amended by L. 1910, ch. 634, amended.

§ 55. Insurance without the consent of the insured prohibited. No policy of insurance shall be issued upon any property except upon the application and in the name of some person having an



interest in the property. No policy or agreement for insurance shall be issued upon the life or health of another or against loss by disablement by accident except upon the application of the person insured; but a wife may take a policy of insurance upon the life or health of her husband or against loss by his disablement by accident; an employer may take out a policy of<sup>1</sup> insurance covering his employees collectively for the benefit of such as may<sup>2</sup> suffer loss from injury, death or disablement resulting from sickness,<sup>3</sup> and a person liable for the support of a child of the age of one year and upward may take a policy of insurance thereon, the amount payable under which may be made to increase with advancing age and which shall not exceed the sums specified in the following table, the ages wherein specified being the age at time of death, for an amount not exceeding the sums specified in the table:

Between the ages of one and two years, thirty dollars.

Between the ages of two and three years, thirty-four dollars.

Between the ages of three and four years, forty dollars.

Between the ages of four and five years, forty-eight dollars.

Between the ages of five and six years, fifty-eight dollars.

Between the ages of six and seven years, one hundred and forty dollars.

Between the ages of seven and eight years, one hundred and sixty-eight dollars.

Between the ages of eight and nine years, two hundred dollars.

Between the ages of nine and ten years, two hundred and forty dollars.

Between the ages of ten and eleven years, three hundred dollars.

Between the ages of eleven and twelve years, three hundred and eighty dollars.

Between the ages of twelve and thirteen years, four hundred and sixty dollars.

Between the ages of thirteen and sixteen years, five hundred and twenty dollars.

Between the ages of sixteen and seventeen years, six hundred and twelve dollars.

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<sup>1</sup> Word "accident" omitted.

<sup>2</sup> Words "be injured" omitted.

<sup>3</sup> Words "suffer loss from injury, death or disablement resulting from sickness," new.

Between the ages of seventeen and eighteen years, seven hundred dollars.

Between the ages of eighteen and nineteen years, seven hundred and eighty-four dollars.

Between the ages of nineteen and twenty years, eight hundred and fifty-five dollars.

Between the ages of twenty and twenty-one years, nine hundred and thirty dollars.

In respect of insurance heretofore or hereafter, by any person not of the full age of twenty-one years but of the age of fifteen years or upwards, effected upon the life of such minor, for the benefit of such minor or for the benefit of the father, mother, husband, wife, brother or sister of such minor, the assured shall not, by reason only of such minority, be deemed incompetent to contract for such insurance or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract.

§ 2. This act shall take effect immediately.

## Chap. 520.

AN ACT to amend the insurance law, in relation to excusing persons from testifying upon any investigation, proceeding or inquiry before the state fire marshal.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and sixty-nine of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter four hundred and fifty-three of the laws of nineteen hundred and twelve, is hereby amended to read as follows:<sup>1</sup>

§ 369. Powers of the state fire marshal, deputies and assistants. The state fire marshal or his deputies may, in addition to the investigation made by any of his assistants at any time investi-

L. 1909,  
ch. 33,  
§ 369, as  
added by  
L. 1912,  
ch. 453,  
amended.

<sup>1</sup> Section 369 was amended by L. 1913, ch. 405, ante. The amendments effected by said ch. 405 are incorporated in § 369 as here amended.

gate as to the origin or circumstances of any fire or explosion occurring in this state. The state fire marshal, his deputies and assistants shall have the power to summon witnesses and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this article a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent or necessary to the inquiry, and shall have the power to administer oaths and affirmations to any person appearing as witness before them; such examination may be public or private as the officers conducting the investigation may determine.

<sup>1</sup>If, after any such examination of witness, or any investigation, the state fire marshal or any of his deputies or assistants is of the opinion that the facts in relation to a fire or explosion indicate that a crime has been committed, he shall present the testimony taken on such examination, together with any other data in his possession to the district attorney of the proper county, with a request that he institute such criminal proceedings as such testimony or data may warrant.

The state fire marshal or his deputies or any of his assistants may at all reasonable hours enter any building or premises within his jurisdiction for the purpose of making an inspection which, under the provisions of this article, he or they may deem necessary to be made.

In the absence of any local ordinance it shall be the duty of the assistants to the state fire marshal specified in section three hundred and fifty-three to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, but not less than twice a year in outlying districts and four times a year in closely built portions, all buildings, premises, and public thoroughfares, except interiors of private dwellings for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fire, or any violations of the provisions or intent of the statute and affecting the fire hazard.

Whenever any such assistant shall find any building or other structure which for want of repairs, or by reason of age or dilapidated condition or for any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever any such assistant shall find in any building or upon any premises or other place, combustible or explosive matter or danger-

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<sup>1</sup> First part of paragraph omitted.

ous accumulations of rubbish or of unnecessary accumulations of waste paper, boxes, shavings or any other highly inflammable materials, especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire-escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner, lessee or occupant of such premises or buildings, and in the event of his neglect or refusal, the provisions of section three hundred and fifty-six are hereby made applicable.

§ 2. This act shall take effect immediately.

## Chap. 521.

AN ACT to amend chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," generally.<sup>1</sup>

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivisions (d), (e), (f), (g), (i), (j) and (l) of section two of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," are hereby amended to read as follows:

L. 1911,  
ch. 776, § 2,  
subds. (d),  
(e), (f),  
(g), (i),  
(j), (l)  
amended.

(d) "Marginal wharf" means the area extending inshore from the bulkhead line shown on any plan for the improvement of the water-front adopted pursuant to law and constructed in accordance with such plan:

(e) "Water-front property" means all wharves, marginal

<sup>1</sup> The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

wharves, piers, docks, bulkheads, slips and basins, and all structures thereon and land under water beneath the same and lands under water below high water mark, and all rights, privileges and easements appurtenant thereto, together with such land, upland, and made land adjacent to the said wharves, piers, docks and bulkheads, slips, basins and lands under water, jurisdiction of which may be assigned to the commissioner by the board of estimate and apportionment or the commissioners of the sinking fund.

(f) "Terminal basins" means all basins, harbors, graving or loading docks that may be provided by the inclosure, natural or artificial, of water for the flotation, protection or handling of shipping or freight, or for transport service of any class.

(g) "Terminal ways" means a way or ways constructed or operated under the provisions of this act for the transport of freight to, from, across or along any water-front property, or canal of or in the city or any extension or extensions, branch or branches, approach or approaches, siding or sidings, bridge or bridges thereof or therefor, upon, lying upon, above or below any street, avenue, road, highway, park or parkway, bridge, viaduct, or public place or slip, canal or waterway, public or private, water-front property, lands and lands under water of or in the city, including all equipment and terminal facilities, of every kind used or operated in connection with any such way so constructed or operated under this act.

(i) "Terminal stores" means a building or buildings or space for the temporary storage of freight while in the process of delivery, shipment or transport or for use for general warehouse purposes.

(j) "Terminal factories" means the space used for manufacture and for the storage incidental thereto of materials, supplies and products together with such power, light, machinery, and other facilities therefor as may be supplied in connection therewith.

(l) "Equipment" means elevators, conveyors and conveying apparatus, hoists, shutes, float bridges, transfer bridges and appliances for lighting, heating, or refrigerating, roadbed, tracks, switches, cross-overs, spurs, signals, telfers, cars, motors, engines and rolling stock of all descriptions; tugs, floats and lighters; power plant, sub-stations and transformers, appliances for transmission of power by third rail, overhead wires or other means; telephone and telegraph wires and other means of communication;

together with all appurtenances and appliances appertaining thereto, connected therewith or used in the operation thereof.

§ 2. Section three of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended to read as follows: § 2 amended.

§ 3. The commissioner when directed by the board or when he deems it to be for the interest of the city so to do, shall submit to the board plans for terminal facilities, which shall consist of Plans for terminal facilities.

(a) A map or maps showing the area to be included in said terminal, together with the location of any buildings, railroad tracks, wharves, piers, bulkheads and other structures which are to form a part thereof;

(b) A description, by metes and bounds, of all property which it is proposed to acquire by purchase or otherwise as a part of said terminal facilities.

These plans when adopted and certified by the board and filed in the office of the department of docks and ferries, or any modification thereof or addition thereto thereafter so adopted, certified, and filed shall be the plans according to which exclusively any terminal facilities shall be laid out or constructed by the city, its agents or contractors, or water-front property or other property, acquired therefor. Whenever the plans so adopted and certified shall include the narrowing or widening of a street or the opening and construction of a new street or the abandonment of a street already in existence, the power to narrow, widen, open, construct, abandon or close the same, or to cause the same to be narrowed, widened, opened, constructed, abandoned or closed, shall exclusively reside with the board which is hereby authorized to take such steps as may be necessary in that regard; and, after the same shall have been widened or opened, the board shall determine whether the street so widened, to the extent of the part so widened, or such new street opened under such plan or plans shall be a public street or a marginal wharf. Street alteration.

§ 3. Section four of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freights," is hereby amended to read as follows: § 4 amended.

§ 4. Upon the receipt of said plans, the board shall fix a Hearing on plans.

date for a hearing, and shall direct the publication of notice thereof in the City Record, and in two newspapers published in the city of New York, to be designated by the mayor, for not less than six consecutive days, not less than seven nor more than thirty days before the date of said hearing. Said notice shall contain a general description sufficient to identify the said plans, and shall contain a statement of the date, time and place of such meeting, and that at such time and place all persons in interest will be heard prior to the adoption of any resolution in the premises.

§ 5  
amended.

§ 4. Section five of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended to read as follows:

Acquisition  
of real  
property.

§ 5. After the adoption and certification of said plans, and the filing thereof in the department of docks and ferries, the board may direct the commissioner to acquire, in the name and for the benefit of the corporation of the city of New York, any and all real property included in said plans or any interest therein, which may be necessary in the opinion of the board of estimate, for the creation of the terminal facilities shown upon the map or maps forming part of said plans. The proceedings for the acquirement of the title to such property shall be taken and conducted in the manner prescribed in chapter twenty-one of the Greater New York charter.

Estate  
that may  
be ac-  
quired.

Use or  
lease of  
levels not  
required.

Provided, that when, at any height, or depth, an area of land is required for the purposes of such terminal facilities, the entire fee of land furnishing such area, or such lesser estate therein, as the said board shall deem needed for public use may be so acquired; and the city may use for other public purposes, or may lease or permit the use for storage, warehousing, manufacturing or otherwise, of such levels and parts of levels thereof as from time to time may not be required for such terminal facilities.

Acquisition  
and dis-  
position  
of adjacent  
lands.

And provided further, that the area of land to be so acquired for the purposes of this act may include such area, additional and adjacent to that required for the structure of such terminal ways or stations, as said board of estimate and apportionment may authorize and certify as required to be replotted, regraded or otherwise adapted for convenient access to and use of such way or stations or other improvement of the water-front of said city in connection therewith, and that such area not required for such struc-



ture, but which may have been so acquired, after the same shall have been so replotted, regraded or otherwise adapted for such access, use or improvement, may be disposed of by the city, subject to such restrictions as said board may see fit to impose thereon to promote such access or use, or to effect such improvement. Moneys received by the city upon such disposition of lands so acquired shall be applied to the redemption of the corporate stock of the city of New York.

§ 5. Section six of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby renumbered section eight-c, and as so renumbered is amended to read as follows:

§ 6, renumbered § 8c, and amended.

§ 8-c. Neither in any such operation of any such way, station or store, nor in any such transport as it shall undertake, shall the city of New York be or undertake to be liable as a common carrier.

City not liable as common carrier.

§ 6. Chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended by adding thereto a new section, to be numbered section six, and to read as follows:

New § 6 added.

§ 6. The board may direct the commissioner to build or cause to be built the whole or any part of terminal ways, including foundations, abutments and bridges required therefor, terminal stations and equipment thereof, provided for by said plans, and generally to execute such plans.

Execution of plans.

§ 7. Section seven of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended to read as follows:

§ 7 amended.

§ 7. The board may direct the commissioner in the name and on behalf of the city to operate or to permit the use of terminal facilities upon such terms and subject to such regulations as the board from time to time may establish; and to carry into effect the provisions of this act, the commissioner may purchase or lease or obtain in the best manner obtainable for the interests of the city, and according to law, power, light, heat and fixtures for the

Operation and use of terminal facilities.

use thereof and other necessities and conveniences for such operation, provided that nothing herein contained shall be deemed to include the right or privilege to grant a franchise to carry on the business of generating, selling or distributing electric light, heat or power.

§ 8 renumbered § 8d, and amended.

§ 8. Section eight of chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven, entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby renumbered section eight-d, and as so renumbered is amended to read as follows:

Public service commission and railroad law not affected.

Exception.

§ 8-d. Nothing herein contained shall be construed as in any way limiting the present or future jurisdiction of the public service commission of the state of New York, and nothing herein contained shall be construed as limiting or repealing any of the provisions of the railroad law of the state of New York. Provided, however, that it shall not be necessary before constructing a railroad as part of terminal facilities to obtain a certificate of convenience and necessity from the public service commission.

New § 8 added.

§ 9. Chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended by adding thereto a new section to be numbered section eight and to read as follows:

Terminal facilities provided as substitute for existing facilities.

§ 8. In case any terminal facilities shall be provided, or agreed to be provided by the city as a substitute, in whole or in part, for any existing tracks, or other transportation or terminal facilities which the owner thereof may agree to surrender in consideration of the right to use such terminal facilities so provided in substitution, or agreed to be provided in substitution, the city may for such a time, and on such terms and conditions as may be agreed upon, lease, permit or agree in respect to such substituted use or operation.

§ 8a added.

§ 10. Chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended by adding thereto a new section to be numbered section eight-a and to read as follows:

Hiring of ways.

§ 8-a. The board may hire or contract for use by the city in

supplement or extension of its terminal facilities such ways, stations, basins, plant or service, as, being owned or controlled by others than the city, shall be needed or proper to that end; but not for a longer period than twenty-five years, except as provided for by option to the city.

§ 11. Chapter seven hundred and seventy-six of the laws of nineteen hundred and eleven entitled "An act to improve the water-front facilities of the city of New York, in relation to the receipt, delivery and shipment of freight," is hereby amended by adding thereto a new section to be numbered section eight-b and to read as follows:

§ 8-b. If the board of estimate shall determine that municipal operation of any terminal facilities created under this act is inexpedient, it shall advertise for proposals for the privilege of constructing, equipping and operating the same, or for equipping and operating after construction by the city, or for operating after construction and equipment by the city, by a notice to be printed once a week for two successive weeks in not less than two daily newspapers, to be designated by the mayor, and may require security from bidders for the execution of their bids, if accepted. Such notice shall describe the said terminal facilities in such terms as the board of estimate shall deem proper, and shall state the time and place at which proposals will be received and opened. All proposals shall undertake to equip said facilities, unless equipment shall have been provided by the city, and to maintain and operate said terminal facilities for a period not exceeding twenty-five years, with the privilege, however, of renewing said contract for a further period not exceeding twenty-five years upon terms to be readjusted as provided in said contract. Such proposals may offer to pay to the city for the use of such terminal facilities either (1) a fixed annual sum; or (2) a share of gross receipts; or (3) a share of net receipts. The board of estimate, or a duly appointed committee thereof, shall attend at the time and place specified in said public notice, and shall publicly open all proposals which shall have been received, but the board of estimate shall not be bound to accept any proposal so received, but may reject all such proposals and readvertise for proposals in the manner hereinbefore provided, or may accept any of such proposals as will, in the judgment of the said board of estimate, best promote the public interest, and award a contract accordingly. Any contract for private operation of terminal facilities shall contain

service,  
etc., con-  
trolled by  
others  
than city.

§ 8b  
added.

Advertising  
for pro-  
posals for  
private  
construc-  
tion, equip-  
ment or  
operation.

Proposals  
to under-  
take what.

Award of  
contract.

Termina-  
tion of

contract  
for private  
operation.

a provision whereby the city, at any time after ten years, may terminate the same so far as it relates to the maintenance and operation of terminal ways, and terminal stations, and the equipment thereof, upon terms to be fixed in said contract, upon giving one year's written notice of its intention so to do. Upon termination by the city, pursuant to the privilege so reserved, the city shall purchase the equipment actually used in the operation of said terminal facilities at an amount agreed upon between the owner thereof and the city; or, in the event of failure to agree, at an amount to be fixed by appraisal, each party to name one impartial appraiser, and the two so named to select the third. In the event of failure to agree upon a third appraiser, he shall be named by the presiding justice of the appellate division of the supreme court, first department; provided, however, that the contract for the operation of said terminal facilities may provide for the amortization of all or a part of the operator's investment out of earnings, in which event, the portion so amortized shall become the property of the city at the termination of the contract without further payment to the operator.

Contract  
for private  
operation  
may pro-  
vide for  
construc-  
tion of  
buildings.  
Amortiza-  
tion of  
cost.

Any contract for private operation may provide for the construction of warehouses, factories or other buildings on land owned by the city, which warehouses, factories or buildings shall, during construction and at all times thereafter, be the property of the city. The contract may provide for the amortization of the cost of said warehouses, factories or buildings out of receipts from their operation, or out of receipts from the operation of all the terminal facilities included in said contract during the term thereof, and may provide for the payment by the city of any un-amortized portion of the actual cost plus a reasonable contractor's profit, not to exceed fifteen per centum at the termination of the contract, or on the exercise of an option to recapture reserved in the contract. The contract may provide for the payment to the city for the privilege of operating such warehouses, factories or other buildings so constructed, either (1) a fixed annual sum; or (2) a share of the gross receipts; or (3) a share in the net profits.

Payment  
for  
privilege.

Other pro-  
visions of  
contract.

The said contract may contain any other provision not inconsistent with this act which the board of estimate and apportionment may deem necessary or desirable for the protection of the interests of the city of New York.

§ 12. This act shall take effect immediately.

## Chap. 522.

AN ACT to amend the insurance law, in relation to requiring adjusters of loss or damage by fire to procure a certificate of authority from the superintendent of insurance.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and thirty-eight-a of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as added by chapter twenty-two of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

L. 1909,  
ch. 33,  
§ 138a, as  
added by  
L. 1913,  
ch. 22,  
amended.

§ 138-a. **Public adjusters; certificate of authority.** <sup>1</sup>The term "public adjuster" in this section shall include every person, partnership, association or corporation advertising, soliciting business or holding himself or itself out to the public as an adjuster of loss or damage by fire, or receiving any compensation or reward for the giving of advice or assistance to the assured in the adjustment of claims for loss or damage by fire, and all persons who for compensation or reward, whether by way of salary or commission or otherwise, solicit business, investigate or adjust losses or advise the assured with reference to claims for loss or damage by fire, on behalf of any other person, partnership, association or corporation engaged in the business of adjusting loss or damage by fire.

<sup>2</sup>No person, partnership, association or corporation shall, after July first, nineteen hundred and thirteen, act as a public adjuster, or receive for or because of services rendered in the adjustment of any claim or claims for loss or damage by fire under a policy or policies of insurance upon property within this state any money or commission or other thing of value, without first procuring a certificate of authority to act as a public adjuster from the superintendent of insurance.

The superintendent of insurance shall issue such adjuster's certificate of authority to a person, partnership, association or corpo-

<sup>1</sup> Following sentence new.

<sup>2</sup> Following paragraph materially amended.

ration, applying therefor, who is trustworthy and is competent to transact<sup>3</sup> business as a public adjuster<sup>4</sup> in such manner as to safeguard the interests of the public.

A certificate of authority issued to a corporation, partnership or association shall authorize only the officers and directors of the corporation, or the members of the partnership or association, specified in the certificate, each of whom must be qualified to obtain a certificate to act as adjuster. The fee to be paid to the superintendent of insurance by the applicant for such adjuster's certificate at the time the application is made, and annually for the renewal thereof, shall be twenty-five dollars. If the applicant be a corporation, partnership or association such fee shall be paid for each person specified in the certificate.

Every adjuster's certificate of authority shall expire on the thirty-first day of December of the calendar year in which the same shall have been issued, but if an application for the renewal of any such certificate shall have been filed with the superintendent of insurance before January first of any year the certificate of authority sought to be renewed shall continue in full force and effect until the issuance by the superintendent of insurance of the new certificate applied for or until five days after the superintendent of insurance shall have refused to issue such new certificate and shall have served notice of such refusal on the applicant therefor. Service of such notice may be made either personally or by mail, and if by mail, shall be deemed complete if such notice is deposited in the post-office postage prepaid, directed to the applicant at the place of business specified in the application.

Before any adjuster's certificate of authority shall be issued by the superintendent of insurance there must be filed in his office a written application therefor. Such application shall be in the form or forms and supplements thereof prescribed by the superintendent of insurance and must set forth (1) the name and address of the applicant, and if the applicant be a partnership or association, the name and address of each member thereof, and if the applicant be a corporation, the name and address of each of its officers and directors; (2) whether any certificate of authority as agent, broker or adjuster has been issued theretofore by the superintendent of insurance to the applicant, and, if the applicant be an individual,

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<sup>3</sup> Word "such" omitted.

<sup>4</sup> Words "as a public adjuster," new.



whether any such certificate has been issued theretofore to any partnership or association of which he was or is a member or to any corporation of which he was or is an officer or director, and, if the applicant be a partnership or association, whether any such certificate has been issued theretofore to any member thereof, and, if the applicant be a corporation, whether any such certificate has been issued theretofore to any officer or director of such corporation; (3) the business in which the applicant has been engaged for the year next preceding the date of the application, and, if employed by another, the name or names and address or addresses of such employer or employers; (4) such information as the superintendent of insurance may require of applicants to enable him to determine their trustworthiness and competency to transact the business of adjuster in such manner as to safeguard the interests of the public.

An application for an adjuster's certificate of authority must be signed and verified by the applicant and, if made by a partnership or association, by each member thereof and if made by a corporation by each officer and director thereof to be authorized thereby to act as an adjuster.

If an application for a certificate of authority under this section be filed in the year nineteen hundred and thirteen within thirty<sup>5</sup> days after this section takes effect the applicant and the persons named in the application may, notwithstanding the provisions of this section, act as public adjuster until notice of rejection of the application shall have been served as herein provided with respect to renewal applications.

A corporation, association or partnership to whom a certificate of authority shall have been issued by the superintendent of insurance under this section may at any time make an application to the superintendent of insurance for the issuance of a supplemental certificate of authority authorizing additional officers or directors of the corporation or members of the partnership or association to act as adjusters, and the superintendent of insurance may thereupon issue to such corporation, association or partnership a supplemental certificate accordingly upon the payment of an additional fee for each member or officer or director thereby authorized to act as an adjuster.

A certificate issued under this section shall be revoked by the superintendent, if after due investigation and a hearing either

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<sup>5</sup> Formerly "sixty."



before him or before any salaried employee of the insurance department designated by him whose report he may adopt, he determines that the holder of such certificate (1) has violated any provision of the chapter by any act or thing done in respect to insurance for which such certificate is required; or (2) has made a material misstatement in the application for such certificate; or (3) has been guilty of fraudulent practices; or (4) has demonstrated his incompetency or untrustworthiness to transact the business for which such certificate of authority shall have been granted by reason of anything done or omitted in or about such business under the authority of such certificate.

No individual, partnership, association or corporation whose certificate of authority is so revoked nor any partnership or association of which such individual is a member, nor any corporation of which he is an officer or director shall be entitled to any certificate of authority under this section for a period of one year after such revocation, or, if such revocation be reviewed by certiorari proceedings, for one year after the final determination thereof affirming the action of the superintendent in revoking such certificate. If any such certificate held by a partnership, association or corporation be so revoked, no member of the partnership or association or officer or director of the corporation shall be entitled to such a certificate for the same period of time, if the superintendent of insurance determines and finds that such member or officer or director was personally at fault in the matter on account of which the certificate was revoked. The holder of any such certificate or any person aggrieved may file with the superintendent of insurance a verified complaint setting forth facts from which it shall appear that any such certificate ought to be revoked. The superintendent must thereupon, after investigation and a hearing as herein provided, determine whether such certificate shall be revoked.

If an application for a certificate of authority under this section be rejected or such a certificate be revoked by the superintendent of insurance notice thereof shall forthwith be served on the applicant or on the holder of such certificate either personally or by mail, and, if by mail, such service shall be complete if such notice be deposited in the post-office postage prepaid, directed to the applicant or the holder of such certificate, as the case may be, at the place of business specified in the application or certificate.

The action of the superintendent of insurance in granting or

refusing to grant or to renew a certificate of authority or in revoking or refusing to revoke such a certificate shall be subject to review by writ of certiorari, at the instance of the applicant for such certificate, the holder of a certificate so revoked or the holder of any such certificate or the person aggrieved. If the superintendent of insurance shall revoke or shall refuse to renew the certificate of authority of any adjuster issued under this section and such adjuster shall apply for a writ of certiorari to review such action, the certificate of authority of such adjuster shall be deemed to be in full force and effect for all purposes, including the right to renewal, until the final determination of such certiorari proceedings and all appeals therefrom, provided the fee for such certificate be paid.

This section shall not apply to an agent or employee of an underwriter by whom a policy of insurance against loss or damage by fire shall have been written upon property within this state, in adjusting loss or damage under such policy nor to a broker acting as adjuster without compensation for a client for whom he is acting as broker, nor to contracts made by persons, partnerships, associations or corporations authorized to do business under article nine of this chapter.

Any person, partnership, association or corporation violating any of the provisions of this section shall, in addition to any other penalty in this chapter provided, forfeit to the people of the state five hundred dollars.

§ 2. This act shall take effect immediately.

## Chap. 523.

AN ACT to amend the insurance law, in relation to the inspection of boilers by the state fire marshal.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three hundred and fifty-seven of chapter thirty-three of the laws of nineteen hundred and nine, entitled "An act in relation to insurance corporations, constituting chapter twenty-eight of the consolidated laws," as inserted by chapter

L. 1909,  
ch. 33,  
§ 357, as  
added by  
L. 1911,  
ch. 451, and  
amended

in cities of over one million inhabitants," as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, is hereby amended by adding after section twenty-four thereof, a new section to be designated twenty-four-a, which shall read as follows:

§ 24-a. **Relocation of a railroad or portion thereof.** 1. The public service commission may, with the approval of the board of estimate and apportionment or other analogous local authority of such city, upon application of any person, firm or corporation owning a railroad wholly or in part within the limits of the city in which the commission has power to act, if in the judgment of said commission the public interests so demand, fix and determine the route or routes upon which such person, firm or corporation may relocate its railroad, or some specified portion thereof, including tracks, structures, stations and appurtenances necessary or convenient for use in such new location. The commission shall fix and determine the location and plan of construction of the said railroad or portion thereof as so relocated upon said new route or routes, the times within which the same shall be constructed upon such new route or routes, and such other terms, conditions and requirements as to the said commission shall appear just and proper for the exercise of the franchise or franchises of the said person, firm or corporation upon the new route or routes aforesaid, and the said railroad or portion thereof with the tracks, structures, stations and appurtenances when so relocated shall be held by the said person, firm or corporation under the terms and privileges of the franchise or franchises of said person, firm or corporation except as may be otherwise specified and agreed in said grant, in place of the railroad or portion thereof as the same existed prior to such relocation, and such railroad or portion thereof theretofore existing prior to such relocation shall thereupon be removed and all right to hold, maintain or operate the same upon the former route or routes, except the portion if any thereof not so relocated, shall cease. Provided, however, that the construction and operation of such railroad or portion thereof as so relocated upon the new route or routes, fixed and determined by the commission as aforesaid, are authorized only upon condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of, that portion of a street or highway upon, above or under which it is proposed to construct or operate the same, be first obtained, or in case the consent of such

property owners cannot be obtained, the appellate division of the supreme court in the department in which it is proposed the same shall be constructed may, upon application in the same manner and on the same notice, specified in section five of this act, appoint three commissioners who shall determine after a hearing of all the parties interested whether the same ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

2. The grant may provide that as part of the consideration for surrender by said person, firm or corporation of any and all right to maintain and operate its railroad or portion thereof and the structures therefor upon any street in its existing route or routes and the grant of the right to relocate the same upon said new route or routes that the expense of taking away the structure and restoring the streets and of reconstructing the structure in the new location, including the acquisition of property necessary therefor, shall be borne by the person, firm or corporation or by the city or partly by the said person, firm or corporation and partly by the city; and may provide as to the amounts of contributions therefor and by whom and at what time or times such contributions shall be made. The grant may also provide as to the measure of compensation to be made for existing railroad rights and structures and for said new rights and structures acquired under said grant or for either thereof, and the manner of paying for the same, as to the mode and manner of making and carrying into effect such relocation and the conditions upon which the same is to be done and how and when the same shall take place and be completed and fix the details incident and necessary to the removal, abandonment or rebuilding of the old structure or any part thereof. The grant may provide if the public interests shall, in the opinion of the commission, justify the provision, that the construction of any part of the railroad or portion thereof so relocated upon such new route or routes included in said grant may, with the consent of the commission, be suspended during the term of said grant or any part of said term, provided that during such term or part of term there shall be available for use, in lieu of such part of the railroad or portion thereof, a railroad or a portion of a railroad which shall, with the part of the railroad or a part of the portion of the railroad relocated and constructed under said grant, form a continuous and convenient route.

3. The grant may provide that in case the necessary consents

have been obtained the city shall itself in whole or in part construct, or shall in whole or in part equip, the railroad or portion thereof as relocated upon said new route or routes, and in such case the commission, acting for and on behalf of the city, as soon as such consents where necessary have been obtained, may, with the approval of the board of estimate and apportionment or other such analogous local authority, enter into a contract or contracts with any person, firm or corporation which, in the opinion of the commission, may be best qualified to carry out such contract or contracts for the construction or equipment of such railroad or portion thereof, or such part of such construction or equipment, for such sum or sums of money to be raised and paid out of the treasury of said city as hereinafter provided in this section and upon such terms and conditions as the commission shall determine to be best for the public interests. The commission may, in its discretion, by separate contracts executed from time to time or at the same time, contract with one or more persons, firms or corporations for the performance of any kind or kinds of work or any portion or portions of the work, or for the furnishing of any material or materials, or for the performance of any labor necessary for or incidental to the construction or the equipment of said railroad or portion thereof so relocated, or any part or parts thereof, which, under the terms of said grant, the city may be under obligation to construct or equip.

4. For the purpose of constructing or of equipping such railroad or portion thereof as relocated, for the construction or equipment of which a contract shall have been made by the commission as aforesaid, and for the operation thereof when constructed, the commission for and on behalf of the city may acquire by conveyance or grant to said city, or by condemnation or other legal or other proceedings, any and all property which in the opinion of the commission it shall be necessary to acquire or extinguish for the purpose of constructing, equipping or operating the said railroad or portion thereof, free of interference or right of interference, in the same manner and to the same extent and with like power and authority as provided in this act with reference to the acquisition of property for the constructing or operating of any railroad for the construction or operation of which a contract shall have been made under section twenty-six or section twenty-seven of this act.

5. For the purpose of providing the necessary means for the

construction or equipment by the city of any part of any railroad or portion thereof relocated upon any such new route or routes and the necessary means to pay for lands, property, rights, terms, privileges and easements whether of owners, abutting owners or others, which shall be acquired by the city for the purposes of the construction or the equipment or for the operation of such part of any railroad or portion thereof relocated upon such new route or routes hereunder the board of estimate and apportionment or other local authority in said city in which said part of railroad or portion thereof is to be relocated, having power to make appropriations of moneys to be raised by taxation therein, from time to time, and as the same shall be necessary, and upon the requisition of said public service commission, shall direct the comptroller or other chief financial officer of said city, and it shall thereupon become his duty, to issue the bonds of said city at such a rate of interest as the board of commissioners of the sinking fund of said city, if there be such a board, or if there be no such board, then as other local authority directing the issue of such bonds, may prescribe. Said bonds shall provide for the payment of the principal and interest in gold coin of the United States of America. They shall not be sold for less than the par value thereof, and the proceeds of the same shall be paid out and expended for the purposes for which the same are issued, upon vouchers certified by said public service commission. Said bonds shall be free from all taxation for city and county purposes. The amount of bonds authorized to be issued and sold by this section shall not exceed the limit of amount which shall be prescribed by the board of estimate and apportionment or such other local authority having power to make appropriations of moneys to be raised by taxation; and no contract for the construction or equipment of any part of such railroad or portion thereof to be so relocated upon such new route or routes shall be made unless and until such board of estimate and apportionment or such other local authority shall have consented thereto and prescribed a limit to the amount of bonds available for the purposes of this section which shall be sufficient to meet the requirements of such contract in addition to all obligations theretofore incurred and to be satisfied from such bonds.

6. A certificate shall be prepared by the commission, attested by its seal and the signature of its presiding officer, setting forth in detail the action taken by the commission with respect to



such relocation of said railroad or portion thereof and the terms, conditions and requirements aforesaid. A like certificate shall be prepared in like manner upon every modification of the terms of the contract. Such certificate shall be delivered to said person, firm or corporation upon the receipt by said commission of a written acceptance of said terms, conditions and requirements duly executed by said person, firm or corporation so as to entitle it to be recorded. The said certificate shall be filed in the office of the secretary of state, and a duly certified copy thereof shall be filed in the office of the clerk of each county to which the privilege granted thereunder shall pertain.

7. Upon the said filing of said certificate and upon fulfillment by such person, firm or corporation, so far as it relates to such relocation of said railroad or portion thereof of such of the requirements and conditions as are necessary to be fulfilled in such cases under section eighteen of article three of the constitution of this state, and upon fulfillment by such person, firm or corporation of such other terms, conditions and requirements enumerated in said certificate as the commission may require to be fulfilled as a condition precedent to commencing said work, such person, firm or corporation shall, in such cases, possess in addition to its already existing franchises all the powers conferred by this act upon corporations with respect to his or its railroads authorized to be relocated as aforesaid; and when any route or routes for the relocation of said railroad or portion thereof shall be so fixed and determined, and a certificate as aforesaid shall have been duly filed, such person, firm or corporation may construct the said railroad or portion thereof upon such new route or routes, with all the rights and with like effect as though the same had been a part of the original route of his or its railroad then in actual operation, except that no franchise, right or authority shall be granted under this section to relocate any railroad or portion thereof for a longer period than the unexpired term of the original grant, franchise or contract of the railroad, and any renewal thereof contained in such contract, as to which railroad or portion thereof such relocation may be authorized, and that any such franchise, right or authority granted hereunder shall also be subject to be terminated by the city in like manner and under the same terms and conditions and at the same time or times as may be provided in such original grant or contract for the termination or taking by the city of that grant, if provision therefor be made thereunder.



8. The certificate or certificates prepared by the commission as aforesaid when delivered and accepted by such person, firm or corporation shall be deemed to constitute a contract between the said city and said person, firm or corporation according to the terms of the said certificate; and such contract shall be enforceable by the commission, acting in the name of and in behalf of the said city, or by the said person, firm or corporation according to the terms thereof, but subject to the provisions of this act. The terms of such contract may from time to time, with the consent of such person, firm or corporation, be modified by the commission.

§ 2. Subdivision one of section thirty-nine<sup>1</sup> of said chapter as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine and by chapter two hundred and five of the laws of nineteen hundred and ten and by chapter two hundred and twenty-six of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 39.  
subd. 1, as  
amended  
by L. 1909,  
ch. 498,  
L. 1910,  
ch. 205, and  
L. 1912,  
ch. 226,  
amended.

§ 39. Acquisition of property. 1. For the purpose of constructing or operating any road for the construction or operation of which a contract shall have been made by the board of rapid transit railroad commissioners or the public service commission, or for the purpose of constructing or operating any part of any railroad or portion thereof relocated under the provisions of section twenty-four-a of this act, for the construction of which a contract shall have been made by the public service commission pursuant to said section,<sup>2</sup> including necessary stations and station approaches, or for the purpose of operating or securing the operation of the same free of interference and right of interference and of action and right of action for damages and otherwise, whether by abutting owners or others, or to provide, lay or maintain conduits, pipes, ways or other means for the transmission of electricity, steam, water, air or other source or means of power or of signals or of messages necessary or convenient for or in the construction or operation of such road, or for the transportation of materials necessary for such construction or operation, or to provide a temporary or permanent way or course for any such conduit, pipe or other means or source of transportation, said com-

<sup>1</sup> Section 39, as added by L. 1894, ch. 752, and amended by L. 1895, ch. 519, L. 1896, ch. 729, L. 1901, ch. 587, L. 1904, ch. 564, and L. 1906, ch. 472.

<sup>2</sup> Words "or for the purpose of constructing or operating any part of any railroad or portion thereof relocated . . . to said section," new.

mission for and in behalf of said city may acquire, by conveyance or grant to said city to be delivered to the said commission and to contain such terms, conditions, provisos and limitations as the said commission shall deem proper, or by condemnation or other legal or other proceedings, as in this act provided, any real estate and any rights, terms and interests therein, any and all rights, privileges, franchises and easements, including such of any thereof as may be already devoted to a public use, whether of owners or abutters, or others to interfere with the construction or operation of such road or to recover damages therefor, which, in the opinion of the commission, it shall be necessary to acquire or extinguish for the purpose of constructing and operating such road free of interference or right of interference.

§ 3. This act shall take effect immediately.

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## Chap. 525.

AN ACT to repeal chapter three hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the construction, maintenance and operation of elevated railways on Adams street, between Myrtle avenue and Fulton street, in the city of Brooklyn."

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter three hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the construction, maintenance and operation of elevated railways on Adams street, between Myrtle avenue and Fulton street, in the city of Brooklyn," is hereby repealed.

§ 2. This act shall take effect immediately.

L. 1896,  
ch. 372  
repealed.

## Chap. 526.

AN ACT to amend the insanity law by authorizing any licensed private institution for the insane to receive inebriates for commitment and care.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter thirty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the insane, constituting chapter twenty-seven of the consolidated laws," is hereby amended by adding at the end thereof four sections, which shall be known as sections one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five and one hundred and seventy-six, to read as follows:

§ 173. The judge of a court of record in the county or district where an alleged inebriate resides, or a judge of any court of record, may commit such person to any private licensed institution for the insane, in the manner hereinafter provided, upon a proper application and upon the consent in writing of the trustees, signed by their superintendent or executive officer, upon the certificates in writing made, executed and verified by at least two physicians, qualified to act as medical examiners in lunacy, showing that such person is over the age of eighteen years, and is incapable or unfit to properly conduct himself or herself, or his or her affairs, or is dangerous to himself or herself or others by reason of periodical, frequent or constant drunkenness, induced either by the use of alcoholic or other liquors, or of opium, morphine, or other narcotic or intoxicating or stupefying substance. Such certificate must further show that such person is in actual need of special care and treatment, and that his condition is such that his detention, care and treatment in such institution would be likely to effect a cure. Such certificate shall also specifically state the facts and circumstances upon which the judgment of each physician is based and shall show the result of such examination. It must appear upon the face of such certificate that each physician executing the same has made a personal examination of the person alleged to be an inebriate, and that such an examination has been made within ten days prior to the application for the commitment.

§§ 173-176  
added to  
L. 1909,  
ch. 32.

Commit-  
ment au-  
thorized.

Certificate  
to show  
what.

mission for and in behalf of said city may acquire, by conveyance or grant to said city to be delivered to the said commission and to contain such terms, conditions, provisos and limitations as the said commission shall deem proper, or by condemnation or other legal or other proceedings, as in this act provided, any real estate and any rights, terms and interests therein, any and all rights, privileges, franchises and easements, including such of any thereof as may be already devoted to a public use, whether of owners or abutters, or others to interfere with the construction or operation of such road or to recover damages therefor, which, in the opinion of the commission, it shall be necessary to acquire or extinguish for the purpose of constructing and operating such road free of interference or right of interference.

§ 3. This act shall take effect immediately.

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## Chap. 525.

AN ACT to repeal chapter three hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the construction, maintenance and operation of elevated railways on Adams street, between Myrtle avenue and Fulton street, in the city of Brooklyn."

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter three hundred and seventy-two of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the construction, maintenance and operation of elevated railways on Adams street, between Myrtle avenue and Fulton street, in the city of Brooklyn," is hereby repealed.

§ 2. This act shall take effect immediately.

L. 1896,  
ch 372  
repealed.

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*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter thirty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the insane, constituting chapter twenty-seven of the consolidated laws," is hereby amended by adding at the end thereof four sections, which shall be known as sections one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five and one hundred and seventy-six, to read as follows:

§§ 173-176  
added to  
L. 1909,  
ch. 32.

§ 173. The judge of a court of record in the county or district where an alleged inebriate resides, or a judge of any court of record, may commit such person to any private licensed institution for the insane, in the manner hereinafter provided, upon a proper application and upon the consent in writing of the trustees, signed by their superintendent or executive officer, upon the certificates in writing made, executed and verified by at least two physicians, qualified to act as medical examiners in lunacy, showing that such person is over the age of eighteen years, and is incapable or unfit to properly conduct himself or herself, or his or her affairs, or is dangerous to himself or herself or others by reason of periodical, frequent or constant drunkenness, induced either by the use of alcoholic or other liquors, or of opium, morphine, or other narcotic or intoxicating or stupefying substance. Such certificate must further show that such person is in actual need of special care and treatment, and that his condition is such that his detention, care and treatment in such institution would be likely to effect a cure. Such certificate shall also specifically state the facts and circumstances upon which the judgment of each physician is based and shall show the result of such examination. It must appear upon the face of such certificate that each physician executing the same has made a personal examination of the person alleged to be an inebriate, and that such an examination has been made within ten days prior to the application for the commitment.

Commitment authorized.

Certificate to show what.

Applica-  
tion;  
petition.

Service on  
alleged  
inebriate.

Hearing  
and ex-  
amination.

Proofs.

Order of  
commit-  
ment.

Parole.

Review of  
order.

§ 174. The husband or wife, father or mother, brother or sister, or the child or committee of an alleged inebriate may apply for an order committing such person to the said licensed private institution for the insane, by presenting a brief petition containing a statement of the facts because of which the application for the order is made. Such petition shall be accompanied by the certificate of the physicians and the consent of the trustees as prescribed in the preceding section. Notice of the time and place of making such application shall be served personally upon the alleged inebriate at least three days before the date therein specified upon which the application will be made. A copy of the petition shall be served with such notice. The judge or justice before whom such application is made shall, in his discretion, direct the service personally or by mail of a like notice upon the husband or wife, father or mother, or next of kin, of such alleged inebriate. At the time and place mentioned in such notice or at such other time or place as the judge or justice may designate, said judge or justice shall proceed to hear the testimony introduced for and against such application, and may examine the alleged inebriate if deemed advisable. Such judge or justice may, in his discretion, require proofs in addition to the petition and certificates of the physicians. If, from the facts ascertained upon the hearing, the proofs produced, and the petition and certificates presented, the judge or justice shall determine that such person is an inebriate, or that he is so addicted to the use of opium, morphine or other narcotic or intoxicating or stupefying substance, and his condition is such that his detention in such institution would promote his interests and improve his health, he shall grant an order committing such person to such institution, to be detained therein for a period not exceeding twelve months, or for such period less than twelve months as may be necessary in the judgment of the physician in charge of such institution for the proper treatment and cure of such person, or until discharged therefrom prior to the expiration of such period, as hereinafter provided. The physician in charge may grant a parole to a patient not exceeding six months.

§ 175. A person committed pursuant to this act or any relative or friend in his or her behalf may, within thirty days after any order of commitment is granted as provided in the preceding section, apply to a justice of the supreme court other than the justice making the commitment for a review of such order. Such

justice shall thereupon cause a jury to be summoned as in the case of the proceedings for the appointment of the committee for an insane person, and shall try the question of the inebriety of such person in the manner provided by law for the proceedings for the appointment of such committee. If the verdict of the jury be that such person is an inebriate, such justice of the supreme court to whom such application was made shall certify that fact and commit such person to the care and custody of the said institution. Proceedings under the commitment shall not be stayed pending an appeal therefrom, except upon an order of a justice of the supreme court made upon notice and after a hearing, containing a provision for such temporary care or confinement of the alleged inebriate as may be deemed necessary. Upon the refusal of a judge to grant an application for the commitment of an alleged inebriate he shall state his reasons for such refusal in writing, and the person making the application may apply to a justice of the supreme court in the manner specified in this section where an application is made in behalf of the alleged inebriate, and a commitment may be had after an appeal by a jury as provided herein.

Effect of  
appeal.

Proceed-  
ings upon  
refusal  
of commit-  
ment.

§ 176. A person who has been committed to such institution is entitled to a writ of habeas corpus upon a proper application made by him or her or by any relative or friend in his or her behalf; upon the return of such writ, the fact of the inebriety of such person and the reasons for his or her further detention in such institution shall be inquired into. The superintendent or executive, or the medical officer in charge of such institution, or any proper person, may be sworn and examined, as to the mental and physical condition of such person. If it appears upon such hearing that such person may properly be discharged, the judge or justice before whom the hearing is had shall so direct; but if it shall appear that the condition of such person is such as to render further treatment desirable, such person shall be remanded to the care and custody of such institution.

Writ of  
habeas  
corpus;  
proceedings  
thereon.

§ 2. This act shall take effect immediately.



## Chap. 527.

AN ACT to amend the conservation law, in relation to actions to set aside cancellations and determine title to land.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1911,  
ch. 647,  
§ 64, as  
added by  
L. 1912,  
ch. 444,  
amended.

Section 1. Section sixty-four of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, entitled "An act relating to conservation of land, forests, waters, parks, hydraulic power, fish and game, constituting chapter sixty-five of the consolidated laws," as amended<sup>1</sup> by chapter four hundred and forty-four of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 64. **Actions to set aside cancellations and determine title.**

1. Said commission may, and it is hereby given the exclusive power to bring, in the name of the people of the state any action or special proceeding, which an owner of land would be entitled to bring, in a court of justice or before the comptroller of the state.

(a) To set aside the cancellation of any sale of land for taxes, or

(b)<sup>2</sup> To ascertain and determine in trespass, ejectment or other suitable action,<sup>3</sup> the title to any lands claimed by the commission to be owned by the people of the state, within the Adirondack or Catskill parks, or in any of the forest preserve counties, claimed by any person or persons, association or corporation adversely to the state, and

(c) If such lands are held or occupied by or under such claimants, to recover the possession thereof; and

(d) To demand an accounting and recover damages for any timber cut or removed from any lands involved in any such action, and

(e) If demanded in the complaint, to recover triple damages therefor. But the provisions of this section shall not impair any power now possessed by the attorney-general to protect and preserve the rights of the state.

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<sup>1</sup> Should read: "added."

<sup>2</sup> Paragraph (b) is identically amended by L. 1913, ch. 719, post.

<sup>3</sup> Words "in trespass, ejectment or other suitable action," new.

2. Said commission may make any demand, tender or offer, before or after commencing any action or special proceeding, deemed necessary or proper for the purpose of entitling it to enforce or defend any right or claim on behalf of the state; and may, in its discretion, settle and compromise any suits and special proceedings authorized by this section and adjust the claims involved therein.

3. Said commission may, and it is hereby given power to bring, in the name of the people of the state, any action or proceeding in a court of justice, which an owner of land would be entitled to bring, to perfect the state's title, or record title, to land owned or claimed by it, within the Adirondack or Catskill parks or in the forest preserve counties of the state, and any other action or special proceeding with respect to such lands which an owner of lands would be entitled to bring. All such actions and proceedings shall be brought in the county where the lands are located, and a preliminary or final injunction may, on application in an action or proceeding brought under this section, be granted restraining any act of trespass, waste or destruction upon any lands within the Adirondack or Catskill parks, or within the forest preserve counties, owned or claimed to be owned by the state, or which may hereafter be acquired by the state. No settlement or compromise provided for in this section, and which shall affect any title of the state to any lands, shall be made without the approval of the governor, and the same shall be subject to the provisions contained in section nine of this chapter respecting the settlement, withdrawal and discontinuance of actions, suits and proceedings.

§ 2. This act shall take effect immediately.

## Chap. 528.

AN ACT to amend the labor law, in relation to the use of compressed air in caissons, tunnels, and other works, and laborers employed.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 36,  
§§ 134a,  
134b, as  
amended  
by L. 1912,  
ch. 219,  
amended.

Section 1. Sections one hundred and thirty-four-a and one hundred and thirty-four-b<sup>1</sup> of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," and amended by chapter two hundred and nineteen of the laws of nineteen hundred and twelve, are hereby amended to read, respectively, as follows:

§ 134-a. **Hours of labor.** All work in the prosecution of which tunnels, caissons or other apparatus or means in which compressed air is employed or used shall be conducted subject to the following restrictions and regulations: When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and shall not exceed twenty-one pounds to the square inch, no employee shall be permitted to work or remain therein more than eight hours in any twenty-four hours and shall only be permitted to work under such air pressure provided he shall during such period return to the open air for an interval of at least thirty consecutive minutes, which interval his employer shall provide for. When the air pressure in any compartment, caisson, tunnel or place in which men are employed is greater than normal and shall equal twenty-two pounds to the square inch and does not exceed thirty pounds to the square inch, no employee shall be permitted to work or remain therein more than six hours in any twenty-four hours, such six hours to be divided into two periods of three hours each with an interval of at least one hour between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall exceed thirty pounds to the square inch, and shall not equal thirty-five pounds to the square inch, no employee shall be

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<sup>1</sup> Sections 134a, 134b were added by L. 1909, ch. 291.

permitted to work or remain therein more than four hours, such four hours to be divided into two periods of two hours each, with an interval of at least two hours between each such period. When the air pressure in any such compartment, caisson, tunnel or place shall equal thirty-five pounds to the square inch and shall not exceed forty pounds to the square inch, no such employee shall be permitted to work or remain therein more than three hours in any twenty-four hours, such three hours to be divided into periods of not more than one and one-half hours each, with an interval of at least three hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty pounds to the square inch and shall not equal forty-five pounds to the square inch, no employee shall be permitted to work or remain therein more than two hours in any twenty-four hours, such two hours to be divided into periods of not more than one hour each, with an interval of at least four hours between each such period; when the air pressure in any such compartment, caisson, tunnel or place shall equal forty-five pounds to the square inch and shall not exceed fifty pounds to the square inch, no employee shall be permitted to work or remain therein more than ninety minutes in any twenty-four hours, and such ninety minutes to be divided into periods of forty-five minutes each, with an interval of not less than five hours between each such period; no employee shall be permitted to work in any compartment, caisson, tunnel or place where the pressure shall exceed fifty pounds to the square inch, except in case of emergency.<sup>2</sup> No person employed in work in compressed air shall be permitted by his employer or by the person in charge of said work to pass from the place in which the work is being done to atmosphere of normal pressure, without passing through an intermediate lock or stage of decompression, which said decompression shall be, where the work is being done in tunnels, at the rate of three pounds every two minutes unless the pressure shall be over thirty-six pounds. in which event the decompression shall be at the rate of one pound per minute; and which said decompression shall be, where the work is being done in caissons, at the following rates:

Where pressure is not over ten pounds per square inch the time of decompression shall be one minute; when pressure is over ten pounds per square inch, but does not exceed fifteen pounds per

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<sup>2</sup> Section to here materially amended.

square inch, the time of decompression shall be two minutes; when pressure is over fifteen pounds per square inch, but does not exceed twenty pounds per square inch, the time of the decompression shall be five minutes; when pressure is over twenty pounds per square inch, but does not exceed twenty-five pounds per square inch, the time of decompression shall be ten minutes; when pressure is over twenty-five pounds per square inch but does not exceed thirty pounds per square inch, the time of decompression shall be twelve minutes; when pressure is over thirty pounds per square inch, but does not exceed thirty-six pounds per square inch, the time of decompression shall be fifteen minutes; when pressure is over thirty-six pounds per square inch, but does not exceed forty pounds per square inch, the time of decompression shall be twenty minutes; when pressure is over forty pounds per square inch, but does not exceed fifty pounds per square inch, the time of decompression shall be twenty-five minutes.

All necessary instruments shall be attached to all caissons and air locks showing the actual air pressure to which men employed therein are subjected and which instruments shall be accessible to and in charge of a competent person who shall not be employed more than eight hours in any twenty-four hours.

§ 134-b. **Medical attendance and regulations.** Any person or corporation carrying on any tunnel, caisson or other work in the prosecution of which men are employed or permitted to work in compressed air, shall, while such men are so employed, also employ and keep in employment, one or more duly qualified persons to act as medical officer or officers who shall be in attendance at all necessary times while such work is in progress and whose duty it shall be to administer and strictly enforce the following:

(a) No person shall be permitted to work in compressed air until after he shall have been examined by such medical officer and reported by such officer to the person in charge thereof as found to be qualified, physically, to engage in such work.

(b) In the event of absence from work, by an employee for ten or more successive days for any cause, he shall not resume work until he shall have been re-examined by the medical officer and his physical condition reported as hitherto provided to be such as to permit him to work in compressed air.

(c) No person known to be addicted to the excessive use of intoxicants shall be permitted to work in compressed air.

(d) No person not having previously worked in compressed air

shall be permitted during the first twenty-four hours of his employment to work for longer than one-half of a day period as provided in section one hundred and thirty-four-a and after so working shall be re-examined and not permitted to work in a place where the pressure is in excess of fifteen pounds unless his physical condition be reported by the medical officer as heretofore provided to be such as to qualify him for such work.

(e) After a person has been employed continuously in compressed air for a period of three months he shall be re-examined by the medical officer and he shall not be allowed, permitted or compelled to work until such examination has been made and he has been reported as heretofore provided as physically qualified to engage in compressed air work.

(f) The said medical officer shall at all times keep a complete and full record of examinations made by him, which record shall contain dates on which examinations were made and a clear and full description of the person examined, his age and physical condition at the time examined, also the statement as to the time such person has been engaged in like employment.

(g) Properly heated, lighted and ventilated dressing rooms shall be provided for all employees in compressed air which shall contain lockers and benches and shall be open and accessible to the men during the intermission between shifts. Such rooms shall be provided with baths, with hot and cold water service and a proper and sanitary toilet.

(h) A medical lock shall be established and maintained in connection with all work in compressed air when the maximum pressure exceeds seventeen pounds<sup>3</sup> as herein provided. Such lock shall be kept properly heated, lighted and ventilated and shall contain proper medical and surgical equipment. Such lock shall be in charge of a certified trained nurse selected by the medical officer, who shall be qualified to render temporary relief.

(i)<sup>4</sup> Whenever in the prosecution of caisson work in which compressed air is employed the working chamber is less than ten feet in length and when such caissons are at any time suspended or hung while work is in progress so that the bottom of the excavation is more than nine feet below the deck of the working chamber, a shield shall be erected in the working chamber for the protection of the workmen.

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<sup>3</sup> Words "when the maximum pressure exceeds seventeen pounds," new.

<sup>4</sup> Subds. (i)-(l) new.

(j)<sup>4</sup> Whenever in the prosecution of work in which compressed air is employed a shaft is used, all such shafts shall be provided with a safe, proper and suitable ladder for its entire length.

(k)<sup>4</sup> Wherever in the prosecution of work in tunnels, caissons or other apparatus or means, in which compressed air is employed or used, lights other than electric lights are used, the said lights shall at all times be guarded.

(l)<sup>4</sup> All passage ways in work, wherein compressed air is employed or used, shall be kept clear and properly lighted.

§ 2. This act shall take effect immediately.

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## Chap. 529.

AN ACT to amend the labor law, in relation to the employment of children under fourteen years in or for a factory, the definition of a factory, factory building and tenement house.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 36, § 2  
amended.

Section 1. Section two of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended to read as follows:

§ 2. **Definitions.** Employee. The term "employee," when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

Employer. The term "employer," when used in this chapter, means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

Factory; work for a factory.<sup>1</sup> The term "factory," when used in this chapter, shall be construed to include<sup>2</sup> any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection

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<sup>4</sup> Subds. (i)-(l) new.

<sup>1</sup> Words "work for a factory," new.

<sup>2</sup> Word "also" omitted.



therewith,<sup>3</sup> where one or more persons are employed at labor, <sup>4</sup>except power houses, barns, storage houses, sheds and other structures used in connection with railroad purposes, other than construction or repair shops, subject to the jurisdiction of the public service commission under article three of the public service commissions law. <sup>5</sup>Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

<sup>6</sup>Factory building. The term "factory building," when used in this chapter, means any building, shed or structure which, or any part of which, is occupied by or used for a factory.

Mercantile establishment. The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Tenement house. The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either<sup>7</sup> rented, leased, let or hired out, to be occupied, or is occupied in whole or in part<sup>8</sup> as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and<sup>9</sup> includes apartment houses, flat houses and all other houses so occupied,<sup>10</sup> and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement<sup>11</sup> house and which is used for any of the purposes specified in section one hundred of this chapter.

Whenever, in this chapter, authority is conferred upon the commissioner of labor, it shall also be deemed to include his deputies or a deputy acting under his direction.

§ 2. Section seventy of such chapter is hereby amended to read <sup>§ 70</sup> as follows: <sup>amended.</sup>

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<sup>3</sup> Words "and all buildings, sheds, structures or other places used for or in connection therewith," new.

<sup>4</sup> Remainder of sentence new.

<sup>5</sup> Following sentence new.

<sup>6</sup> Following paragraph new.

<sup>7</sup> Word "either" new.

<sup>8</sup> Words "in whole or in part," new.

<sup>9</sup> Words "having a common right in the halls, stairways, yards, water closets or privies, or some of them," omitted.

<sup>10</sup> Words "includes apartment houses, flat houses and all other houses so occupied," new.

<sup>11</sup> Words "such tenement" substituted for word "dwelling."

§ 70. **Employment of minors.** No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this state, <sup>12</sup>or for any factory at any place in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. <sup>13</sup>Nothing herein contained shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm. Boys over the age of twelve years may be employed in gathering produce, for not more than six hours in any one day, subject to the requirements of chapter twenty-one of the laws of nineteen hundred and nine,<sup>14</sup> entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," and all acts amendatory thereof.

§ 3. This act shall take effect immediately.

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## Chap. 530.

AN ACT to amend the code of criminal procedure, in relation to the number of record clerks in the court of general sessions of the city and county of New York.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 55  
amended.

Section 1. Section fifty-five of the code of criminal procedure, as amended by chapter one hundred and fifty-one of the laws of nineteen hundred and thirteen, is hereby amended to read as follows:

§ 55. **Accommodation for courts and officers, et cetera.** The courts have the same power to direct suitable provisions to be made for their accommodation as is now possessed by the supreme court. The judges of the court of general sessions of the city

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<sup>12</sup> Remainder of sentence new.

<sup>13</sup> Remainder of section new.

<sup>14</sup> As generally amended by L. 1910, ch. 140.

and county of New York must appoint a clerk, not more than fourteen deputy clerks, five interpreters, six stenographers, nine<sup>1</sup> record clerks, six chief court attendants, a warden to the regular grand jury, and a warden to the additional grand jury, and such warden shall hold his office during the pleasure of said judges; and any person who has heretofore held the office and performed the duties of a deputy clerk in said court for more than one year is eligible for appointment as deputy clerk provided for in this section.

§ 2. This act shall take effect immediately.

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## Chap. 531.

AN ACT to ratify, confirm and legalize the proceedings had and taken by the village of Ilion, in the matter of the issuance of bonds of said village for the paving of the streets therein and to provide for the payment of such bonds.

Became a law May 14, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. All the acts and proceedings of the village of Ilion and of its board of trustees, board of street commissioners, officers, agents and qualified voters, leading up to and including the special election therein on the ninth day of April, nineteen hundred and twelve, whereby the bonds of said village in the amount of not exceeding one hundred and thirty-five thousand dollars, were directed to be sold and issued for the purpose of paying the share of the cost of said paving apportioned upon the said village at large, are hereby ratified, confirmed and legalized, notwithstanding any defect, irregularity or the omission of any lawful requirement in, or the want of any statutory authority for, such acts and proceedings; and all and each of said bonds, consisting of one hundred and ninety-five bonds, to be dated as of July first, nineteen hundred and twelve, of which seventy-five are of the denomination of one thousand dollars each, and one hundred and twenty of which bonds are of the denomination of five

Proceedings  
relative to  
special  
election,  
legalized.

Bonds,  
when due.

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<sup>1</sup> Formerly "six."

hundred dollars each; three one thousand dollar bonds and four five hundred dollar bonds shall fall due on the first day of July, nineteen hundred and seventeen, and three one thousand dollar bonds and four five hundred dollar bonds shall fall due on the first day of July of each year thereafter until the first day of July, nineteen hundred and forty-two, when the last sixteen of said five hundred dollar bonds shall fall due.

Proceedings  
subsequent  
to election,  
legalized.

Bond issue  
authorized.

Delivery  
of bonds  
authorized.

Bonds  
validated.

Resale.

Tax for  
payment.

Pending  
actions.

§ 2. All the acts and proceedings of the village of Ilion had and done by its board of trustees, board of street commissioners, officers and agents, subsequent to the said special election, to permanently pave and improve the streets in said village in the aggregate sum of one hundred and thirty-five thousand dollars, for the purpose of defraying the expense of such permanent improvement are hereby legalized, ratified and confirmed, notwithstanding any defect or irregularity, or the omission of any lawful requirement in, or the want of any statutory authority for, such acts and proceedings; and the said village of Ilion by its officers and agents is hereby authorized and empowered to issue the bonds of said village in the sum of one hundred and thirty-five thousand dollars for the permanent improvement before mentioned and to attach the corporate seal of said village thereto, to sell the same and to consummate the sale of such bonds by delivery of the same to the purchaser or purchasers to whom the same have been or may be awarded at the sale thereof upon receipt of the amount paid therefor and said bonds when so delivered and paid for, at not less than par, shall become and be valid and binding obligations of the said village, principal and interest.

§ 3. In case the purchaser of said bonds shall, for any reason, decline to consummate the sale thereof the said village of Ilion is hereby authorized and empowered to sell said bonds on sealed proposals or at public auction upon notice published in at least two newspapers printed and published in said village at least ten days before the sale.

§ 4. The said village of Ilion, by its proper officers and agents, is hereby authorized and directed to raise annually by tax a sum sufficient to pay the interest and principal of each and all of such bonds, as the same shall become due.

§ 5. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it goes into effect.

## Chap. 532.

AN ACT to provide for an exhibition and celebration in New York city to commemorate the fiftieth anniversary of the emancipation proclamation, creating a commission to conduct the same and making an appropriation therefor.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. There is hereby authorized a commission to be known as the emancipation proclamation commission to arrange for and conduct for the state of New York during the month of October, nineteen hundred and thirteen, in the city of New York an exhibition and celebration to commemorate the fiftieth anniversary of the emancipation proclamation. Commission authorized.

§ 2. The commission hereby authorized shall consist of nine members to be appointed by the governor. Any vacancy occurring for any cause in this commission shall be filled by the governor. Said commission shall encourage and promote a full and complete exhibit, so conducted as to show the industrial, educational and religious progress of the colored people since the emancipation proclamation. This commission shall within thirty days after its appointment, and upon notification by the secretary of state, convene in the city of New York, and perfect its organization for the transaction of the duties devolved upon it by reason of this act. Members, number, appointment, vacancies.  
Duties.  
Organization.

§ 3. The members of the commission shall receive no compensation for their services but shall be entitled to the actual necessary expenses incurred while in discharge of duties imposed upon them by the commission. Such members may appoint a secretary and fix his compensation for all services to be performed in carrying out the provisions of this act and the commission may also provide for such directors, organizers, and clerical assistance and office facilities as it deems necessary, but no salaries or expenses shall be incurred for a longer period than ninety days after the close of the exhibition. No compensation; expenses.  
Secretary, directors, organizers, etc.

§ 4. The sum of twenty-five thousand dollars (\$25,000), or as much thereof as may be necessary for the accomplishment of the above specified purpose, is hereby appropriated out of any moneys Appropriation.

Financial  
report;  
return of  
unexpended  
balance.

Indebted-  
ness not  
to be in-  
curred in  
excess of  
appropria-  
tions.

in the treasury not otherwise appropriated for the purpose of this act. Such money shall be paid by the treasurer on the warrant of the comptroller issued upon a requisition signed by the chairman and vice-chairman of the commission. Within ninety days after the close of the exhibition such commission shall make a verified report to the comptroller of the disbursements made by it and shall return to the state treasury the unexpended balance of money drawn in pursuance of this act. No indebtedness or obligations shall be incurred under this act in excess of the appropriations herein made.

§ 5. This act shall take effect immediately.

### Chap. 533.

AN ACT to amend the code of civil procedure, in relation to the annual accounts of general guardians of infants' property.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 2842  
amended.

Section 1. Section twenty-eight hundred and forty-two of the code of civil procedure is hereby amended to read as follows:

§ 2842. **Guardian to file annual inventory and account.** A general guardian of an infant's property, appointed by a surrogate's court, must, in the month of January of each year, as long as any of the infant's property, or of the proceeds thereof, remains under his control, file in the surrogate's court the following papers:

1. An inventory, containing a full and true statement and description of each article or item of personal property of his ward, received by him, since his appointment, or since the filing of the last annual inventory, as the case requires; the value of each article or item so received; a list of the articles or items remaining in his hands; a statement of the manner in which he has disposed of each article or item, not remaining in his hands; and a full description of the amount and nature of each investment of money made by him.

2. A full and true account, in form of debtor and creditor, of all his receipts and disbursements of money, during the preceding year; in which he must charge himself with any balance remaining

in his hands, when the last account was rendered, and must distinctly state the amount of the balance remaining in his hands, at the conclusion of the year, to be charged to him in the next year's account.

3.<sup>1</sup> The names and residences of the sureties on his undertaking; if natural persons whether they are living; and whether the security of the undertaking has become impaired.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

In effect,  
Sept. 1,  
1913.

## Chap. 534.

AN ACT to amend the Greater New York charter, in relation to salaries of the members of the supervising and teaching staffs of the board of education.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section ten hundred and ninety-one of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and amended by chapter nine hundred and two of the laws of nineteen hundred and eleven, and amended by chapter four hundred and fifty-nine of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

L. 1897,  
ch. 378,  
§ 1091, as  
re-enacted  
by L. 1901,  
ch. 466, and  
amended  
by L. 1911,  
ch. 902, and  
L. 1912,  
ch. 459,  
amended.

§ 1091. The board of education shall have power to adopt by-laws fixing the salaries of all members of the supervising and the teaching staff; and the salaries of all principals and teachers shall be regulated by merit, grade of class taught, length of service, experience in teaching, or by a combination of these considerations. Such by-laws shall establish a uniform schedule of salaries for the supervising and the teaching staff throughout all boroughs.

Salaries,  
how fixed.

The salaries of the members of the supervising and teaching staffs shall be as follows:

Regula-  
tions.

The salary, including the annual increment, to which a present member is entitled under a specific salary schedule now existing shall not be reduced, nor shall any position in the elementary

<sup>1</sup> Subd. 3 new.



No sex  
discrimina-  
tion.  
  
Schedule  
to be filed.

Experience  
certificates.

schools to which any member of the supervising or teaching staff was eligible on December thirty-first, nineteen hundred and eleven, be abolished by the operation of this act. Beginning with the first day of January, nineteen hundred and twelve, third month following the taking effect of this act, the salaries, including the annual increments, of all members shall be not less than those fixed in the schedules and schedule conditions approved by the board of education on the seventeenth and twenty-fourth days of May, nineteen hundred and eleven. After said date, if a present male member be advanced to a position higher in rank, his salary, including the annual increment, in the advanced position shall be not less than the compensation provided by statute for the position on the first day of July, nineteen hundred and eleven, nor less than that received by him immediately prior to such advance. The salary of a principal, assistant to principal<sup>1</sup> head of a department or male teacher in the grades of the seventh and \*eight years appointed to teach in elementary schools prior to January first, nineteen hundred and twelve,<sup>2</sup> shall be not less than that now fixed for any regular teacher in the elementary schools. In the schedules of salaries hereafter adopted there shall be no discrimination based on the sex of the member, except as hereinbefore provided.<sup>3</sup> A copy of such schedules and schedule conditions approved by the board of education on the seventeenth and twenty-fourth days of May, nineteen hundred and eleven, certified by the secretary of the board, shall, within thirty days hereafter, be filed in the office of the secretary of state. The board of examiners shall issue to a principal or a teacher who has had experience in schools other than the schools in the city of New York, a certificate stating that the experience of such teacher is equivalent to a certain number of years of experience in the schools of the said city. The board of examiners shall issue to a principal or teacher who has had experience in schools other than the high and training schools of the city of New York, a certificate stating that the experience of such teacher is equivalent to a certain number of years of experience in the high and training schools of the said city. Such certificates made by the board of examiners shall be final and conclusive on all matters pertaining

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\* So in original.

<sup>1</sup> Word "or" omitted.

<sup>2</sup> Words "or male teacher in the grades of the seventh and eight years appointed to teach in elementary schools prior to January first, nineteen hundred and twelve," new.

<sup>3</sup> Words "except as hereinbefore provided," new.

to experience therein stated, and shall entitle their holders to salaries in accordance with the schedules of salaries established in conformity with this section, in like manner as though the years mentioned in such certificates had been served in those schools of the city of New York that are respectively mentioned in such certificates.

§ 2. This act shall take effect immediately.

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## Chap. 535.

AN ACT to amend the code of civil procedure relative to the manner of serving citations on judicial accounting where the number of persons to be served exceeds fifty.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty-five hundred and twenty of the code of civil procedure is hereby amended so as to read as follows: § 2520  
amended.

§ 2520. Citation; how served in the state.<sup>1</sup> Except where special provision is otherwise made by law, service of a citation, within the state must be made upon an adult person, or an infant of the age of fourteen years or upwards, by delivering a copy thereof to the person to be served, or by leaving a copy at his residence, or the place where he sojourns, with a person of suitable age and discretion, under such circumstances, that the surrogate has good reason to believe that the copy came to his knowledge, in time for him to attend at the return day. A citation must be so served, if within the county of the surrogate, or an adjoining county, at least eight days before the return day thereof; if in any other county, at least fifteen days before the return day; unless, in either case, the person served, being an adult, and not incompetent, assents in writing to a service within a shorter time. Any person, although a party to the special proceeding, may serve a citation. <sup>2</sup>Upon an accounting or judicial settlement of an executor or administrator, where the number of creditors or persons claiming to be creditors, residing within the state of New York, upon whom citation is required to be served, exceeds fifty, service thereof

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<sup>1</sup> Section heading formerly read: "How citations served within state."

<sup>2</sup> Remainder of section new.

may be made upon them by publication thereof in such newspapers and for such a length of time as shall be fixed by the surrogate and by the mailing of a copy of such citation to each of them by deposit of a copy thereof in the postoffice, properly enclosed in a postpaid sealed wrapper addressed to each of them at their last known place of residence, at least thirty days prior to the return day thereof.

§ 2. This act shall take effect immediately.

## Chap. 536.

AN ACT to amend the code of civil procedure, in relation to an action for divorce.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1761  
added.

Section 1. The code of civil procedure is hereby amended by adding thereto a new section, to be section seventeen hundred and sixty-one, to read as follows:

§ 1761. Regulation when action brought by either husband or wife. Whenever the relation of husband and wife ceases by the entry of a judgment dissolving the marriage, the defendant guilty of adultery is not entitled to any interest in any policy of insurance on the life of the plaintiff, wherein such defendant is named as a beneficiary, and the plaintiff may apply to the court granting the final decree or to a special term of the supreme court on notice to the defendant, or the attorney who appeared for defendant in action for divorce, and to the insurance company issuing the policy or policies, for an order directing the insurance company issuing the policy or policies to substitute therein such beneficiary as the plaintiff may nominate. In case where it is shown that the defendant has contributed from his or her separate estate toward the payment of the premiums on such policy, the court shall grant such order on such terms as in the discretion of the court shall be equitable. This section shall also apply in like manner when the defendant obtains a decree against the plaintiff on a counterclaim.

In effect,  
Sept. 1,  
1912.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

## Chap. 537.

AN ACT to amend the judiciary law, in relation to jurors in New York county.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section six hundred and thirty-one of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 35,  
§ 631  
amended.

§ 631. Juror may be excused during specified term for sufficient cause. A person liable to serve as a trial juror may be excused from service during a time or times specified in writing and not exceeding in the aggregate one year<sup>1</sup> when sufficient cause therefor is shown. At any time for which a juror is duly drawn and notified he may be so excused only by the judge presiding at the term and part for which he is drawn. At any other time he may be so excused by the commissioner of jurors.

§ 2. This act shall take effect immediately.

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## Chap. 538.

AN ACT to amend the highway law, in relation to the issuance of county obligations for highway purposes.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and forty-two of chapter thirty of the laws of nineteen hundred and nine, entitled "An act relating to highways, constituting chapter twenty-five of the consolidated laws," as amended by chapter five hundred and eighty of

L. 1909,  
ch. 30,  
§ 142, as  
amended  
by L. 1910,  
ch. 580, and  
L. 1912,  
ch. 83,  
amended.

<sup>1</sup> Words "one year" substituted for words "three months in any one jury year."

the laws of nineteen hundred and ten, and chapter eighty-three of the laws of nineteen hundred and twelve,<sup>1</sup> is hereby amended to read as follows:

§ 142. County or town may borrow money. Whenever the board of supervisors shall have, by resolution, appropriated and made immediately available to the requisition of the commission an amount sufficient to pay its share of the cost of such construction or improvement which is to be borne by the county within which such highway or section thereof is located, such amount so appropriated shall be a county charge and shall be paid by the county treasurer of the county in which such highway or section thereof is located, upon the requisition of the commission. If there is not sufficient funds in the county treasury to pay such share of the county of the cost of construction of such improvement so appropriated and made available, the county treasurer is authorized to borrow a sufficient amount to pay such share in anticipation of taxes to be collected therefor, or the issuance of bonds as hereinafter provided, and to pledge the faith and credit of the county for the payment of the amount when due, with interest. <sup>2</sup>The board of supervisors of any county may from time to time, by resolution, authorize the issuance of county highway bonds, in amounts to be determined by such board, the proceeds of such bonds to be applied to the payment of such county's share of the cost of construction of highways constructed or to be constructed under this article. Said bonds shall be payable not more than thirty years from their date. The board of supervisors shall provide for the assessment, levy and collection by tax of all or any part of the share of the cost of such improvement apportioned to the county which has not been provided for by the issuance of county bonds as a county charge.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Section 142 was also amended by L. 1909, ch. 486. Section 142 is again amended by L. 1913, ch. 623, post. The amendments effected here are not incorporated in § 142 as amended by said ch. 623.

<sup>2</sup> Following sentence materially amended.

## Chap. 539.

### AN ACT to incorporate the city of Beacon.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

- Title      I. Short title; boundaries; civil divisions; incorporation. (§§ 1-9.)  
             II. City officers; powers and duties generally. (§§ 10-27.)  
             III. Finances; taxation; local assessments and improvements. (§§ 28-57.)  
             IV. Elections. (§ 58.)  
             V. City council; commissioners. (§§ 59-98.)  
             VI. City court and schools. (§§ 99-102.)  
             VII. Miscellaneous provisions. (§§ 103-115.)

#### TITLE I.

##### SHORT TITLE; BOUNDARIES; CIVIL DIVISIONS; INCORPORATION.

Section 1. Short title. This act is a public act and shall be known and may be cited by the short title of "Beacon city charter."

§ 2. The name, boundaries, powers, rights and liabilities. The city of Beacon shall consist of the present villages of Matteawan and Fishkill Landing, and so much of the school districts as are within the corporate limits of the said villages of Matteawan and Fishkill Landing, and such additional land as is embraced within the boundaries of the first, second and third wards, and the boundaries of the city of Beacon shall be the present boundaries of the villages of Matteawan and Fishkill Landing, and the said city of Beacon for all purposes of local administration and government is hereby declared to be coextensive with the territory above described; and the said city of Beacon is hereby declared to be the successor corporation of such municipalities united and consolidated as aforesaid, with all their lawful rights and powers and subject to all their lawful obligations and diminutions or enlargements except as herein otherwise provided; and all the duties and

affairs of the several municipal and public corporations united and consolidated as aforesaid into the city of Beacon are hereby devolved upon the municipal council of the said city of Beacon, so far as the same are applicable to said city and not herein otherwise specifically provided, to be exercised in accordance with the provisions of this act.

Duration  
of cor-  
poration.

§ 3. The city of Beacon, and the citizens who may from time to time reside therein, shall continue to be a municipal corporation in perpetuity under the name of the city of Beacon.

Powers  
as to  
property.

§ 4. The corporation may take, purchase, hold and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purposes of education, art, health, charity or amusement, for parks, gardens and grounds for the burial of the dead, or other public use, and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by the corporation; and it may provide for the proper execution of such trusts; it may do everything necessary to carry into effect the powers granted to it.

Wards.

§ 5. The city shall be divided into four wards, bounded, respectively, as follows:

First ward. Beginning at a point in the easterly channel bank of the Hudson river in range with the center line of Main street pier, and running thence through the center line of said pier and the center line of Main street easterly to the intersection of the center line of Main street with the center line of Fishkill avenue; thence with the center line of Fishkill avenue northerly to the intersection of said center line of Fishkill avenue with the center line of the Old road; thence with the center line of the Old road westerly to a point in range with the easterly line of the village of Fishkill Landing; thence northerly and westerly with the line of the village of Fishkill Landing to the easterly side of the channel bank of the Hudson river aforesaid; thence with the said channel bank south to the place of beginning.

Second ward. Beginning at a point in the easterly channel bank of the Hudson river at a point in range with the center line of the Main street pier, and running through the center of said pier and the center line of Main street easterly to the intersection of the center line of Main street with the center line of Teller avenue; thence with the center line of Teller avenue south to the in-



tersection of the center line of Teller avenue with the center line of Newburgh avenue; thence with the center line of Newburgh avenue southwesterly to the intersection of the center line of Sargent avenue; thence with the center line of Sargent avenue south to the intersection of the center line of South avenue; thence with the center line of South avenue southerly to its intersection with the center line of the Fishkill creek; thence with the center line of the Fishkill creek westerly to the center of the drawbridge of the New York Central and Hudson River railroad over the Fishkill creek; thence southwesterly to the most southwesterly point of the peninsula known as Dennings Point; thence westerly at right angles to the channel bank of the Hudson river to the easterly channel bank of said river; thence along said easterly channel bank northerly to the place of beginning.

Third ward. Beginning at a point in Main street, said point being the intersection of the center line of Main street with the center line of Fishkill avenue; thence with the center line of Main street easterly and northeasterly to its intersection with the center line of Fountain street; thence with the center line of Fountain street easterly to its intersection with the center line of Mill street; thence with the center line of Mill street northeasterly to its intersection with the center line of Mountain avenue; thence easterly with the center line of Mountain avenue, and continuing said line easterly to its intersection with the easterly line of the present village of Matteawan; thence northerly, westerly and southerly continuing along the present line of the village of Matteawan until it intersects the present line of the village of Fishkill Landing; thence easterly and southerly to the center line of the Old road; thence with the center line of the Old road easterly to its intersection with the center line of Fishkill avenue aforesaid; thence with the center line of Fishkill avenue southerly to the place of beginning.

Fourth ward. Beginning at a point in the center line of Main street, said point being the intersection of the center line of Main street with the center line of Teller avenue and thence with the center line of Main street easterly to the intersection of the center line of Fountain street; thence easterly with the center line of Fountain street to the center line of Mill street; thence northeasterly with the center line of Mill street to the center line of Mountain avenue; thence easterly with the center line of Mountain

avenue, and continuing said line to its intersection with the easterly boundary of the village of Matteawan; thence along the boundary of the present village of Matteawan southerly and westerly to the center of the drawbridge of the New York Central and Hudson River railroad over the Fishkill creek; thence with the center line of the Fishkill creek easterly to the intersection of the center line of the Fishkill creek with the center line of South avenue; thence with the center line of South avenue northwesterly to its intersection with the center line of Sargent avenue; thence with the center line of Sargent avenue northerly to the intersection of the center line of Newburgh avenue; thence with the center line of Newburgh avenue to the intersection of the center line of Teller avenue; thence with the center line of Teller avenue northerly to the center line of Main street, the place of beginning.

§ 6. **Debts.** All laws or parts of laws, resolutions or ordinances, heretofore passed creating any debt or debts of the municipal and public corporations united and consolidated as aforesaid, or for the payment of such debts or respecting the same, shall remain in full force and effect, except that the same shall be carried out by the corporation hereby constituted, to wit, the city of Beacon, and under such name and under such form and manner as may be suitable to the administration of said corporation; and all the pledges, taxes, assessments and other revenues and securities provided by law for the payment of the debts of the municipal and public corporations aforesaid shall be in good faith and force maintained and carried out by the corporation of the city of Beacon.

Village and  
school dis-  
trict debts.

§ 7. All the debts of the present villages of Matteawan and Fishkill Landing, and all the debts of the school districts taken within the city of Beacon shall be the common debt of the city of Beacon, and the city of Beacon shall succeed to all their rights as well as to their obligations and liabilities in respect thereof.

§ 8. **Transfer of property.** In consideration of the foregoing provision whereby the city of Beacon, as hereby constituted, assumes as aforesaid the valid debts, obligations and liabilities of the municipal and public corporations, including the present villages of Matteawan and Fishkill Landing and so much of the school districts as are within the corporate limits of the present villages of Matteawan and Fishkill Landing and to carry out the scheme and purpose of this act, all of the public buildings, institutions,

parks, water works and property of every character and description, whether of a public or private nature, heretofore owned and controlled by any of the said municipal and public corporations or parts thereof hereby consolidated into the city of Beacon wherever situated, and all the right, title and interest of the said municipal and public corporations as aforesaid, or any of them, in and to such property are hereby vested in the city of Beacon and divested out of the said corporations, and the power of said municipal and public corporations to become indebted shall cease upon the consummation and taking effect of the consolidation herein provided for.

§ 9. All funds and moneys which shall be held or be payable to the treasurer of the municipal and public corporations, or part thereof, hereby consolidated with the city of Beacon shall be deemed to be held by and be payable to the city of Beacon constituted by this act, solely as the funds and moneys of the said city, and when the first commissioner of finance has been elected and has qualified, shall be delivered to him, to hold and control the same; all taxes levied or to be levied shall be collected and payable according to the provisions of the existing laws.

Funds of corporations consolidated.

Taxes.

## TITLE II.

### CITY OFFICERS; POWERS AND DUTIES GENERALLY.

§ 10. The officers of said city shall be as follows: The mayor, elected by the people at large, for a term of four years; the commissioner of accounts, elected by the people at large, for a term of four years; the commissioner of finance, elected by the people at large, for a term of four years; the commissioner of public works, elected by the people at large, for a term of four years; the commissioner of public safety, elected by the people at large, for a term of four years. The terms of office prescribed by this section are subject to the special provisions of this charter relating to the terms of the officers first chosen. Said mayor and commissioners shall constitute the council of said city.

City officers.

Terms of office.

Council.

§ 11. All of the above officers shall be chosen as provided in this charter at general municipal elections, except as otherwise provided. The general municipal election shall be held biennially, in each odd-numbered year, on the third Tuesday of March, except that the first election, in the year nineteen hundred and thirteen, shall be held at the time hereinafter prescribed.

Officers, how chosen.

General municipal election.

Government  
of city by  
commis-  
sioners.

§ 12. Said city shall be governed by the commissioners so elected, each of whom shall have a right to vote on all questions coming before the council; three members shall constitute a quorum, and the affirmative vote of a majority shall be necessary to adopt any motion, resolution or ordinance or pass any measure, unless a greater number is provided for under this act. Every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon.

§ 13. **The mayor.** He shall be ex officio commissioner of public affairs and shall be responsible for the enforcement of the laws of the state applicable to the city, the provisions of this charter and the ordinances of the city. He shall preside at the meetings of the council. He shall execute in the name of the city all contracts, bonds or other instruments requiring the assent of the city. All legal processes against the city shall be served upon him, or, in his absence, upon the commissioner of accounts. He shall be charged with the general oversight of all departments, boards and commissions of the city. He shall be ex officio member of each board or body created or authorized by this charter or by the ordinances of the city except the board of education. He shall have the right to vote on all questions coming before the council. He shall have such other rights and powers as may be provided by ordinances not in conflict with this charter. He shall supervise all public utilities not owned and managed directly by the city, and shall have general supervision of all public affairs not otherwise herein provided for. He shall have the right to administer oaths. He shall have charge and supervision of the police department. He shall receive a salary of three hundred dollars a year, payable monthly.

§ 14. **The commissioner of accounts.** He shall be ex officio city clerk. He shall be the clerk of the council at all its meetings and shall make a careful and accurate record of all the proceedings transacted at each council meeting, transcribing the same in a suitable record book and properly certified by him at the foot of each entry to be a true and accurate record of all the proceedings transacted at such meeting. His office shall be the place for filing all city documents and records, chattel mortgages and such other legal papers and instruments required by law to be filed in the city, and he shall be the legal custodian of all such documents, records, papers and instruments, and he shall provide proper books, indices and fixtures and furniture for the suitable use of the

same by the public. He shall perform all the other duties which may or shall be required of a city clerk. He shall be the purchasing agent for all the departments of the city. He shall be the city collector and shall be responsible for the proper and prompt collection of all taxes, as provided by the laws of the state relating to town collections, assessments, water and other rents, licenses, fees and all money due to the city from any source whatsoever. He shall be the city assessor. He may employ such assistants as the council may direct. He shall have a vote in the council on all matters which may come before it. He shall give a proper surety bond to the city, conditioned upon the faithful and honest performance of all his duties. He shall devote all of his time to the business of the city, keeping regular office hours, in an office provided by the city, at least from nine o'clock in the forenoon to five o'clock in the afternoon each week day, except Saturdays, when his office hours shall be from nine o'clock in the forenoon to twelve o'clock noon. He shall receive a salary of twelve hundred dollars a year, payable monthly.

§ 15. **The commissioner of finance.** He shall be ex officio city treasurer, and shall have the custody of all moneys coming into the possession of or belonging to the city. He shall deposit all the moneys of the city in such banking institutions, and in such proportions, if in more than one, as may be directed by the council. He shall keep proper books of account so that the council may at any time inform itself or its members as to the financial status of the city or of any department thereof. He shall make written reports at regular meetings of the council, and special detailed reports upon request from any member of the council. He shall disburse the city funds only upon the order of the council by certificate of the commissioner of accounts and he shall take and file proper vouchers for the city for all payments made. All checks or drafts shall be countersigned by the commissioner of public affairs, or in his absence by another commissioner designated by the council. All officers and employees of the city shall pay over forthwith to him all moneys belonging to the city coming into their hands, taking receipts therefor. He shall be ex officio city auditor and shall promptly examine and audit all bills payable by the city before they are allowed by the council. He shall prepare a proposed budget for the ensuing year and present the same to the council. He shall give a proper surety bond to the city, conditioned upon the faithful and honest performance of all

his duties. He shall receive a salary of three hundred dollars a year, payable monthly.

§ 16. **The commissioner of public works.** He shall have charge and supervision of all roads, streets, alleys, avenues, sidewalks, ditches and water flowing there through, public improvements, street paving, sidewalk construction, gutters, curbing, public buildings, real and personal property owned, leased or controlled by the city, and not in charge of any other department. He shall have general supervision of all parks, parking and shade trees of the city, and shall have full power to manage, improve, maintain and beautify the same. He shall make recommendations to the council as to paving, sidewalks and other improvements as to him may seem advisable for the purpose of improving the appearance, comfort and safety of the city. He shall take charge of all construction work, shall be inspector of all sewer, gas and water pipes, conduits, poles and wires, fixtures, fountains and fire plugs. He shall have power to make arrests for offenses against the law and against the city ordinances. He shall receive a salary of three hundred dollars a year, payable monthly.

§ 17. **The commissioner of public safety.** He shall have charge and supervision of the fire, sanitary, health, charity and correction departments, and shall make all rules and regulations for the conduct thereof, not in conflict with the laws of the state or ordinances of the city. He shall provide in all ways possible for the peace, safety, health, care, comfort and protection of the inhabitants of the city, and of their property, and shall recommend ordinances when advisable or necessary, to the council for such purposes. The health officer of the city shall be under his authority. He shall be the inspector of all plumbing, weights and measures, and he shall impartially enforce all laws and ordinances appertaining to his department. He shall be acting judge during the absence or inability to act of the city judge. He shall receive a salary of three hundred dollars a year, payable monthly.

§ 18. **Other powers and duties.** The council may establish civil service rules for the city departments and may act as civil service commissioners, and they shall have such other rights, powers and duties as may be provided by ordinance, not in conflict with the provisions of this charter. It shall be the duty of each commissioner to maintain regular office hours sufficient for the proper transaction of the city business at such place or places as shall be designated by the council, and each said commissioner



shall be responsible for the performance of all contract work undertaken by his department.

§ 19. All legislative, executive and judicial powers of the city shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this charter shall never be construed as impairing the effect of the general grant of powers of local government. All powers of the city shall, except as otherwise provided in this charter, be vested in its council, subject to distribution and delegation of such powers as provided in this charter, or by ordinance.

General grant of powers not affected by specifications of particular powers.

All powers vested in council.

§ 20. Department employees. Each department shall be entitled to such salaried employees as may be authorized by ordinance. The head of each department shall nominate all such employees therein, but their appointments shall be made by the city council. Each commissioner shall have the power of selection and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the commissioner as the head of the department at any time, except as otherwise provided in this charter. The city council shall determine the number of such employees in any department and shall also have power of discharging them, or any of them, or may require an employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment.

§ 21. Publicity records and reports. Each of said commissioners shall keep a record book in which shall be recorded a brief but comprehensive record of all department affairs under his charge as soon as performed and shall quarterly render to the city council a full report of all operations of such department, and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be kept open for public inspection. The council shall provide for the publication of such annual or other reports, and of such portion of the quarterly reports as it may deem advisable. Each commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his department and what disposition, if any, has been made of the same.



§ 22. **Newspaper and publication fees.** All election notices or lists of candidates for office, department reports, ordinances, charters or charter amendments, advertising, publicity affairs or other publications required or authorized by this charter, by general law or by ordinance of the city of Beacon shall be paid for by the city at such rates as shall not in any event exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter-heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be rendered to or paid by the city for such advertising or printing in excess of the said usual rates, even though higher rates may be fixed by general law for other cities of the state.

Regular  
meetings  
of council.

Ordinances.

Punishment  
of viola-  
tions.

Prosecution  
for viola-  
tions.

§ 23. Regular meetings of the council shall be held at such times as the council shall prescribe by ordinance. The council shall adopt ordinances regulating the method of conducting the different city departments. The council shall from time to time enact ordinances not inconsistent with or forbidden by the general laws of the state, regulating the highways and all other public places, the use to be made of the same and all privileges to be granted therein, and is hereby authorized to change the method of such use from time to time as the public convenience demands; also ordinances to promote and preserve the public peace, health, safety and morals of the said city and the benefit of trade and commerce; ordinances regulating the exercise of its corporate powers and the performance of its duties and for licensing and regulating such business as it may deem expedient. Any ordinance may provide that any person, upon conviction of violation thereof, shall be a disorderly person and that such a violation shall constitute disorderly conduct, and that he shall be fined as such disorderly person and for such violation not exceeding the sum of one hundred dollars for each offense. In case the person convicted of such violation does not immediately pay such fine, he may be committed to the Dutchess county jail for the term of one day for each and every dollar of said fine not paid. The city court of the city of Beacon shall have jurisdiction of all cases of violation of city ordinances, and the city may prosecute any persons or corporations for said violations, either by civil action, or where the offense is committed in the presence of a police officer, by summary arrest. The summons in such civil action may be returnable in not less than one nor more than six days, and shall be served at least one day before the time set for the hearing. An ordinance

imposing a penalty shall not take effect until ten days after its first publication in the official paper.

§ 24. Except as otherwise provided for by law the city shall have full and complete control over its streets and highways, parks, public waters and other public places. It shall have power to lay out, enlarge and alter parks, markets, public grounds, public waters, streets and alleys, and may cause them to be repaired, cleaned and watered. It may construct pavements, sidewalks, culverts, drains, sewers, receivers, aqueducts, wharves, piers, canals, slips, basins, water mains and gas mains. It may construct and operate a system of water works and a lighting plant for the city and its inhabitants. It may light the streets and public places and public buildings or contract for the lighting of them. It may acquire land by purchase, gift or eminent domain for any municipal purpose and erect buildings and other structures and do anything necessary to beautify the city or preserve or add to the safety, intelligence, comfort and well-being of the city and its inhabitants. It shall maintain fire, police, school and poor departments.

§ 25. The council shall designate a paper printed in the English language in the city of Beacon to be the official paper, and all proceedings of said council shall be printed therein and in such other newspapers as the council shall direct.

§ 26. No contract exceeding or involving the sum of five hundred dollars shall be made by the city, the council or any of the city departments, unless it shall have caused to be published a notice in the official paper once a week for two weeks, inviting proposals for the same according to plans and specifications to be filed in the office of the department having charge of the work, and the contract shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the council.

§ 27. Every ordinance or resolution appropriating money (except for the regular pay-rolls), or ordering any improvement or making or authorizing any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose shall be complete in the form in which it is finally passed and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or renewal thereof or right to occupy or use the streets, highways, bridges or public places of said city by any public

Public places, works, etc.

Official paper.

Letting of contracts.

Ordinance appropriating money to be filed for inspection before passage.

Franchises to be authorized by electors.

utility where a franchise is now required by law to be obtained for such use, shall be valid until it is authorized or approved by a majority of the electors voting thereon at a general or special election.

### TITLE III.

#### FINANCES; TAXATION; LOCAL ASSESSMENTS AND IMPROVEMENTS.

Authority  
to raise  
money by  
taxation  
and bond  
issues.

§ 28. The city shall have the power to raise money to defray the cost of the carrying on of the municipal government and for doing any of the things authorized by law, by general taxation, by local assessment where authorized, and by the issue of bonds in such amounts and at such times as the council may determine, not to exceed the amounts otherwise provided by law. The method of issuing such bonds, where not provided by the general laws, shall be prescribed by ordinance.

Cost of  
public im-  
provements,  
how de-  
frayed.

§ 29. The expense of construction of sewers, receivers, sidewalks, repairing sidewalks, grading, regrading and paving streets, laying of water mains, shall be defrayed by general tax or by local assessment in the discretion of the council. Should the council determine that the city shall bear a part of the expense, it shall determine what part should be borne by the city and what part should be borne by the property benefited. The city may remove all encroachments upon and projections over the public grounds, streets, alleys and wharves and abate all nuisances and cause the expense thereof to be assessed upon the lands upon or in front of which such encroachments, projections or nuisances were, or upon the parcels of land benefited by such removal. The city may construct, maintain and repair a city hall, markets and other public buildings, bridges and reservoirs, wells and fountains and places for supplying the public with water, and docks; maintain, improve and embellish parks, squares, open spaces and other public grounds, and defray the expense or any part thereof out of the general fund or by local assessment; but all bridges shall be constructed, maintained and repaired out of the general fund. The city may order any street cleaned, sprinkled or watered in addition to the work already contracted for by the city, and may enter into a contract therefor upon a petition of a majority of the resident owners upon said street, without publishing notice and without adopting or publishing a resolution to order such work or improvement, and before the assessment therefor has been confirmed, and shall cause the expense thereof to be defrayed by local assessment.

Encroach-  
ments.

Nuisances.

Public  
buildings  
and works.

Public  
grounds.

Bridges.

Street  
cleaning  
and  
sprinkling.

§ 30. It shall be the duty of the owner or the occupant of any premises in the city, whenever such work shall be ordered by a resolution of the council, to lay water, sewer and gas service pipes from the main pipes in the street in front of such premises to such point beyond the curb line as the head of the department of streets and public improvements may determine. It shall be the duty of such owner or occupant to lay and relay sidewalks in front of such premises whenever the same shall be so, as aforesaid, ordered, and at all times to keep and maintain the sidewalk in front of such premises in good order and repair. The department of streets and public improvements shall notify the owner or occupant of any premises in front of which any such work shall be required to be done, that if the same is not done by the owner or occupant within ten days the same shall be done by the city, and the expense thereof shall be assessed upon such premises. Such notice may be served personally or by mailing the same in the manner prescribed in section forty-nine of this act for the mailing of notices by the assessor. In case any such work shall not be done within the time specified in such notice, and in case any such owner or occupant shall fail or neglect to keep the sidewalk in front of any premises owned or occupied by him in good order and repair, the department of streets and public improvements may cause such work to be done and the expense thereof shall be a charge and lien upon, and shall be assessed against said premises. The department of streets and public improvement shall report all such work so far as possible to the council each month, and the council shall order the assessor to assess the same upon said premises and the assessor shall include the same in a monthly assessment-roll entitled "assessment-roll for water, sewer and gas connections, constructing and repairing sidewalks and removing street obstructions," specifying the month and year, and shall be arranged by streets alphabetically. Any such work omitted from one monthly assessment-roll shall be included in the next.

§ 31. The expense of construction of sewers, receivers, sidewalks, repairing of sidewalks, grading, regrading and paving of streets, the laying of water mains, may be raised in an entire amount or in smaller amounts from time to time as the council may determine. If any portion of such expense is to be borne by the city, bonds or certificates of indebtedness may be issued therefor. If such expense or any part thereof is to be assessed upon the property benefited the council may assess the same or the

Pipe connections.

Sidewalks.

Assessment of expense.

Expense of certain public improvements, how raised.

Bond issues.

Assessment of property benefited.

instalment to be raised in accordance with the apportionment and the ratio established by the council. Notice of such assessment shall be given to the owners who may pay the amounts assessed, within ten days after service of such notice. At the expiration of such time bonds or certificates of indebtedness may be issued for the correct amount of such assessment then remaining unpaid.

§ 32. **Tax for unpaid assessments.** The council shall include in the annual tax levy the principal or interest accruing during the same fiscal year upon bonds or certificates of indebtedness issued on account of default in the payment of local assessments under this article, and shall levy the same upon the lots or parcels in default. Such principal shall be apportioned among the lots or parcels in default so that the tax thereon will be the same as if an equal portion of the assessment were then to be paid. Interest on an unpaid assessment shall be added to such tax at the rate payable by the bond or certificate of indebtedness, which must be computed to the time when the principal or an instalment will become due; or if no principal will become due during the fiscal year, then the interest accruing during that year upon the assessment must be levied upon such lot or parcel.

Plans for  
sewer  
system for  
portion of  
city not  
already  
sewered.

§ 33. The council shall make the necessary surveys and examinations and prepare a plan of a system of sewers for that portion of the city not already sewerred. Such plan shall consist of a map or maps with such specifications as shall be required to describe and locate such additional system, and may be prepared as a whole or in sections from time to time as the board may determine. When said plan, or any section thereof, shall have been completed and adopted by the board, the mayor shall so certify in writing thereon, affix the corporate seal of the city thereto, and the same shall then be filed in the office of the commissioner of accounts. Said plan or any section thereof and any part of the existing plan or system of said sewers in said city or any section thereof may be altered by making, adopting, approving, certifying and filing a map, and, if necessary, a specification showing such alteration, in the manner above provided. All sewers hereafter constructed must conform as near as may be to such plan or system heretofore adopted and existing or hereafter adopted or altered as aforesaid, and except as in this act otherwise provided, chapter six hundred and eight of the laws of eighteen hundred and eighty-six, and acts amendatory thereof, shall continue to apply to the city of Beacon.

§ 34. The improvement, grading, regrading, paving, repaving, macadamizing and graveling of streets and highways, or any part thereof; the construction, extension, enlargement and repair of sewers, drains, wells, fire cisterns, culverts and bridges; the procuring of pumps and hydrants for fire purposes; erecting pumps and hydrants and laying such water pipes, and any other public improvements in said city, may be contracted for by the council as authorized herein.

Public im-  
provements  
not con-  
tracted for.

§ 35. The commissioner of public works, under the direction of the council, shall cause to be prepared plans and specifications for any public improvement authorized or projected by the council, and such plans and specifications shall be approved by the council, and placed in the office of the commissioner of public works, who shall thereupon under the direction of the council cause notice to be published that on a day therein named, not less than two weeks from the first publication thereof, the council will receive sealed proposals for said improvement, which notice shall describe the said improvement and shall refer to said plans and specifications. On such day, or upon such subsequent day as the council may adjourn to for the purpose, the mayor or presiding officer shall, in the presence of the council, open such proposals, and the council shall determine which proposal is the most favorable. No proposals shall be considered unless accompanied by the written consent of two sureties, conditioned that if the proposals be accepted, they will execute and deliver a bond with the bidder in a penalty to be fixed by the council, conditioned for the construction of the work at the price and upon the terms proposed, according to the plans and specifications therefor, within such reasonable time as the council may limit, and subject to the supervision and approval of the commissioner of public works, as the specifications shall provide. The council may accept the most favorable proposal, or reject all of said proposals.

Plans and  
specifica-  
tions for  
public im-  
provements.

Notice of  
receiving  
proposals.

Opening  
proposals.

Consents of  
sureties to  
accompany  
proposals.

Acceptance  
or rejec-  
tion of  
proposals.

§ 36. Not less than two-thirds of the cost of the construction, enlargement and extension of lateral sewers and drains, and of the cost of opening, widening, altering, grading and paving of streets shall be assessed upon the property benefited thereby. The entire cost of the construction, alteration and improvement of sidewalks, including curbs and gutters, shall be so assessed upon the adjoining property, and the entire cost of repaving shall be paid by the city.

Amount  
of cost to  
be assessed  
on property  
benefited.

§ 37. No special assessment shall be made unless prior to the

Notice of



special  
assessment.

Hearing.

Action by  
council.

Right of  
owner to  
be heard.

Action by  
council.

Apportion-  
ment of  
assessment.

Report of  
assessment.

Hearing  
and review.

adoption of the ordinance for the improvement the council shall cause to be published notice of the intention to adopt such ordinance and of a public hearing thereon, which said notice shall state the estimated cost of such improvement and may include the estimated amount of damages to be paid therefor, if any, and the proposed proportion, method and area of such assessment. Such public hearing shall be held at the time and place specified in said notice not less than one week, nor more than three weeks after the publication thereof, but may be adjourned from time to time by said council, and thereafter the council may reject or adopt such ordinance and may change the proportion, method or area of such assessment as published, and such ordinance when adopted shall be published as required in section one hundred of this act. The owner of any property affected by such proposed improvement, or included within the area of assessment therefor fixed by said ordinance, may be heard upon said public hearing, or if his property shall be then or thereafter so affected or included only by a change in the ordinance as adopted from the notice published, or by a subsequent amendment, demand a hearing before the council, and the council shall grant such hearing within ten days thereafter and shall have power to amend or repeal such ordinance, which, if amended, shall be again published as required by section one hundred.

§ 38. Upon the completion of any work for which an assessment has been authorized, the council shall ascertain and determine the cost of any such work and the amount thereof to be assessed, adding thereto the amount of any damages which have been awarded, if any, and shall cause the commissioner of accounts to apportion such assessment in accordance with such ordinance. The commissioner of accounts shall make a report in writing of the assessment so made and deposit the same in his office, and cause to be published in the newspaper, in which ordinances are directed to be published, once in each week for two consecutive weeks, a notice that the report has been completed and so deposited and that he will, at a time and place therein to be specified, not less than ten days from the first publication of such notice, review the report, and that at such time and place the parties interested can be heard; and the commissioner of accounts shall at such time and place hear the parties interested, and thereafter review the report, correct the same where proper, sign and file the same in his office, with all the objections in writing which



have been left with him by the parties interested. The council shall thereupon confirm said assessment as provided in section fifty-one. Any error, omission or insufficiency in any assessment, or in the amount thereof, may be corrected and any further expense properly chargeable thereto may be assessed by a reassessment, or supplemental assessment, in manner and form as aforesaid. In the event that any assessment or any part thereof shall be set aside by the court or be found or deemed to be illegal or incorrect the council may proceed in the manner provided in section thirty-seven to adopt an ordinance for a reassessment of the amount deemed necessary to be reassessed upon the property equitably chargeable therefor, and they may by said ordinance ascertain and determine the amount so to be assessed and the commissioner of accounts shall proceed thereunder to make such reassessment, and the same shall thereafter be confirmed by the council in the manner above provided in this section.

Confirmation.

Reassessments.

§ 39. The council shall have power, on the written petition of any party interested, to alter the grade of any street or highway, or any part thereof. Before determining to make such alteration, it shall cause to be made and deposited in the office of the commissioner of accounts a profile showing the intended alteration, and cause to be published in the newspapers in which ordinances are directed to be published, once in each week, for two successive weeks, a notice that such petition has been received and such profile so deposited, setting forth their intention to make such alteration and requiring all persons interested to present their objections in writing to the council, at a time and place to be mentioned therein, not less than two weeks from the first publication thereof. The board may, at any time within one year thereafter, by a vote of four of its members, so alter such grade. In case the owner of any building or other structure, or his authorized attorney, shall file with the commissioner of accounts, within six weeks after the vote of the council altering the grade of any street or highway, a claim in writing, for damages to such building or other structure arising from such alteration, the council must fix an assessment district and cause application to be made to the county court of Dutchess county, or to the supreme court, at a special term thereof, within the judicial district in which the county of Dutchess is situated, for the appointment of three commissioners to estimate and assess such damages. All claims for damages so filed shall be considered and disposed of in the same

Alteration of grade of street or highway.

Profile.

Notice.

Action by board.

Disposition of claims for damages.

Structures  
deemed  
damaged.

proceeding. No building or other structure shall be deemed to have sustained damage by reason of such alteration of grade, unless such building or structure shall have been built with reference to, or to conform with, previously established grade.

Notice of  
petition for  
street im-  
provement  
and taking  
of property.

§ 40. Whenever a petition shall be presented to the council for the laying out or opening of any street, avenue or square or for taking any property, right or easement in land for any purposes under this act, signed by one-third of the persons owning land on the line of said street or proposed street, or of the property, rights or easements to be taken, or for the widening, extending, altering or straightening of any street, signed by one-third of the persons owning land on the line of the whole street including the part proposed to be widened, extended, altered or straightened, or on the line of the part proposed to be widened, altered, extended or straightened only, it shall cause to be published in the official city newspaper, once in each week for two successive weeks, a notice that such petition has been received, and of a time not less than twenty days after the first publication of said notice when it will act thereon; if no remonstrance signed by a majority of the persons who will be assessed therefor shall be presented to it on or before the day specified in said notice, it may then, or as soon thereafter as may be, allow such improvement to be made, or the property, rights or easements to be taken. The council shall fix the district of assessment beyond which the assessment shall not extend, a description of which shall form a part of such notice. The council by a unanimous vote of all of its members may allow any such improvement to be made, or property, rights or easements to be taken without such petition and notice, or in case of a petition, notwithstanding such remonstrances, and provided that the property, rights or easements are required for the construction of any sewer or part thereof, the council by a vote of a majority of all its members may allow the improvement to be made, and the property, rights or easements to be taken without petition of any owner, and notwithstanding any remonstrance. If the council shall allow such improvements to be made, or property, rights or easements to be taken, it shall cause application to be made to the county court of the county of Dutchess, or to the supreme court at a special term held in the judicial district in which said county shall then be situated, for the appointment of three persons as commissioners to estimate and assess the expenses of the improvement, and the amount of damages to be sustained

Action by  
council.

District of  
assessment.

Action by  
council  
without  
petition  
and not-  
withstand-  
ing remon-  
strances.

Application  
for com-  
missioners  
to estimate  
and assess  
expenses,  
damages  
and  
benefits.

and the benefit to be derived therefrom, by the owners of lands and buildings affected thereby. The notice of such application must be published in the official city newspaper once in each week for two successive weeks before the day on which the application is to be made. The court to which such application shall be made shall appoint three persons as such commissioners who shall be owners of a freehold estate in the city liable to taxation, not situate in the assessment district. In case any of the persons so appointed commissioners shall die, resign, decline to serve, remove from the city, or be or become disqualified or interested in lands to be assessed or taken, the court upon the application of the council may, without notice, appoint another commissioner in his place. The persons who shall sign the petition for any such improvement shall be chargeable with and are liable for all expenses which may be incurred thereon, if the same be refused by the council; and the amount of such expenses after being audited and allowed by the council may be recovered against such persons jointly or severally by an action in the name of the city of Beacon. The council must cause a map to be made by a competent surveyor, on which shall be designated by feet and inches as near as may be the several pieces of land necessary to be taken for the improvement, and the several pieces of land within the district of assessment, which shall be numbered in figures from one upwards, and such map shall form a part of the report of the commissioners. Provided that when any right or easement in land is to be taken in the proceedings, such map shall show the land in which such right or easement is to be taken, and by appropriate words written thereon shall state the particular right or easement to be taken as to each separate lot of land. Each commissioner shall be sworn faithfully and impartially to perform the duties which shall devolve upon him by virtue of his appointment, and shall proceed with all reasonable diligence to the discharge of his duties, and for that purpose the commissioners have power to enter upon and examine any premises which in their opinion will be affected by the improvements, to hear the proofs and allegations of the parties interested at such time and place as they may appoint, and to adjourn from time to time as they may deem proper. They must by publication in the official city newspaper give notice of the time and place when and where they will meet and hear the proofs and allegations of the parties interested, which time shall not be less than ten days from the first publication

Appoint-  
ment.

Signers of  
petition  
liable for  
expenses if  
refused.

Map.

Duties and  
powers of  
commis-  
sioners.

Hearings.

**Report.**

of the notice. The report of such commissioners shall be in tabular form with columns in which shall be distinctly shown the whole expense of the proposed improvement and the several items thereof, the number on the map of the pieces of land required for the improvement or of the lots in which a right or easement is to be taken, and of the pieces of land assessed for benefits; the names of persons interested in the property taken for the improvement or in the lots in which a right or easement is to be taken; the amount awarded to such persons respectively therefor; the amount assessed upon each piece of land and on the different interests therein; the balance of award to be received by the different parties over the assessment on their respective land; the balance of assessment to be paid by each person, the assessment on whose land amounts to more than the award; and so many and such different columns and statements as may be necessary to designate the interests of the parties in land or rights required for the improvement and their liabilities in relation thereto; provided, however, the commissioners may substitute in their report for the name of the owner of any lands taken or assessed, the words "unknown owner" in all cases where they have been unable to ascertain the name of the owner. No mistake or error in ownership of any such lot shall invalidate such report or any part thereof. When any portion of any lot is necessary to be taken for any such improvement, the commissioners may in case where injury and injustice would otherwise be done, and with the consent in writing of the owner or owners of such lot, and upon examination and approval of the title to the same by the city attorney, include the whole or any part of the residue of said lot and the buildings thereon in their report, briefly describing the same, and separately estimate the value thereof and assess the same as a part of the expenses of the improvement. Every such residue or part of residue, and all buildings thereon so included, and any and all buildings on any land taken for such improvement shall, upon the confirmation of such report, and the payment or tender of the amount at which the same shall have been so estimated to the owner or owners thereof, vest in fee simple in the city of Beacon and the council shall thereupon cause the same to be sold and conveyed to the former owner or owners thereof, or to the owner or owners of the next adjoining land, at a price not less than the same was estimated, and if he or they upon reasonable notice to be determined by the council shall not take the same and pay such price, it shall be sold at public auction upon such notice

Inclusion  
of residue  
of lot  
where  
portion  
necessary  
to be taken.

Disposition  
of such  
residue.

as the council shall deem proper, for the best price that can be obtained therefor. Upon a sale of the same, the proceeds thereof shall be apportioned by the commissioner of accounts between the owners of land assessed, in proportion to the amount of their respective assessments. After the report shall be completed it shall be deposited in the office of the mayor. The commissioners of appraisal shall then cause to be published in the official city newspaper a notice that the report has been completed and so deposited, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of such notice, to review their report. During such time the said report may be examined free of expense by all interested, and at the time and place so specified any such person may be heard thereon and may present objections thereto in writing accompanied with such affidavits as he may think proper. The commissioners shall, as soon as convenient thereafter, review their report and correct the same where they deem proper, and file it in the office of the mayor. At the time of the filing of such report the commissioners shall also file a certificate of their proceedings, which may be read in evidence, and shall be presumptive evidence of the facts therein stated. In case of any alteration of an assessment or award being made after such hearing, they shall, before filing their report, cause to be published in the official city newspaper for two successive weeks a notice that such report has been altered and deposited in the office of the mayor, and that at a time and place therein stated they will meet to hear and receive objections thereto, and as often as such alteration is made, like notice shall be given. At the time and place mentioned in such notice the commissioners shall attend and hear and receive objections and affidavits on behalf of any person whose award or assessment shall have been altered. The expense caused by such alteration shall be assessed by the commissioners and shall not be deemed an alteration of an assessment so far as to require publication of a notice therefor; the council must then cause to be published in the official city newspaper a notice that the report has been completed and filed, and that application to have the report confirmed will be made to the county court of the county of Dutchess, or to the supreme court at a special term thereof to be held in the judicial district in which said county shall then be situate, at a time and place to be specified in said notice, not less than ten days from the first publication thereof. The mayor on or before the first publication of such notice shall de-

Deposit  
of report  
with  
mayor.

Review  
and  
hearing.

Certificate  
of pro-  
ceedings.

Hearings  
on altera-  
tions of  
report.

Notice of  
application  
for con-  
firmation  
of report.

Appeals  
from  
report.

Action by  
court.  
Proceedings  
when sent  
back for  
revision.

Payment  
of awards.

Appoint-  
ment of  
guardians.

Compensa-  
tion.

Petition  
for discon-  
tinuance  
of street.

posit a copy thereof in the post-office of the city, paying the postage thereon, addressed to each person named in such report as the owner of property assessed for benefit or to whom an award is made for damages. Any such person may appeal from said report by a notice in writing to be served on the mayor at least six days before the time the application is to be made to have the report confirmed. Such notice must be accompanied with copies of the objections and affidavits which have been delivered to the commissioners and also of a statement in writing of the grounds of objections to such report and of the manner in which it is contended the same ought to be altered. Such appeal shall be heard by the court at the time application is made to have the report confirmed. The affidavits delivered and served as aforesaid, and no others, may be read against confirming the report. The court shall confirm or refuse to confirm the report. In case of a refusal, it shall send it back for revision or correction to the same or other commissioners to be by it appointed, who shall revise or correct the same or make a new report, and thereupon the same proceedings shall be had as upon the first report, and as often as any such report shall be sent back as aforesaid like proceedings shall be had. In cases, however, where the court shall direct specific alterations to be made therein it may thereupon confirm the said report without further notice. After the report is confirmed it shall be filed in the office of the mayor. The council shall cause to be paid to each person to whom an award has been made in said report, or to his legal representatives or assigns, the amount of the same in excess of the assessments against him. The county judge of Dutchess county or a justice of the supreme court shall have power to appoint guardians for infants or other incompetent persons to protect their interests or prosecute appeals in any such proceeding, who shall be entitled to receive ten dollars for their services before the commissioners and other fee, unless upon an appeal, in which case the court which shall hear the appeal shall fix upon a further amount to be allowed them, if any, and certify the same. The court may order such compensation to be paid out of any award to such person. The provisions of sections thirty-seven and thirty-eight of this act shall not apply to proceedings under this section.

§ 41. Upon a petition of the owners of a majority of the front feet of land fronting upon any street or portion thereof, the council may discontinue such public street or highway or portion



thereof, as shall appear to be unnecessary. Such petition must contain a description of the street or highway or part thereof proposed to be discontinued, and be accompanied by a map showing the street or highway proposed to be discontinued and its connection with other streets or highways; or if only a part of a street or highway, then its connection with the remaining portion. Before acting thereon, such petition and map must be deposited with the commissioner of accounts, and the council must cause to be published in the newspapers in which ordinances are directed to be published, once a week, for three successive weeks, a notice that such petition has been received, and that a map showing the proposed discontinuance, and a description of the street, or part of street proposed to be discontinued, has been deposited with the commissioner of accounts, and that upon a day to be stated in such notice, at least twenty days after the first publication thereof, it will, if it deem proper, order such discontinuance to be made. Unless a majority in foot frontage of the owners of land fronting on such street shall on or before the day specified in said notice remonstrate against such discontinuance, the council may upon the day specified in said notice, or upon a subsequent day, to which the matter may be postponed, direct such discontinuance by an order in writing, signed by at least four members, sealed with the corporate seal and filed in the office of the commissioner of accounts with the map accompanying such petition. The lines of the street shall thereupon conform to the change made by such discontinuance. The council may, as a condition for the granting of such order of discontinuance, require the owners of the land within the street or part thereof to be discontinued to pay the expense of such proceeding.

Order directing discontinuance.

Expenses when paid by owners.

§ 42. In case the owner of any building or other structure, or of any land affected by any such discontinuance, or his authorized agent or attorney, within six weeks after the filing of such order of discontinuance, shall serve upon the commissioner of accounts a claim, in writing, for damages by such owner, suffered by reason of such discontinuance, in respect to such building, structure or land, the council must establish an assessment district, and cause application to be made to the county court of Dutchess county or to the supreme court, at a special term thereof, for the appointment of three commissioners to estimate and assess such damages. Like proceedings as to such claim shall thereupon be had, as is in this title, providing for estimating and assessing the expense for the

Assessment district for payment of damages.

Application for appointment of commissioners to assess damages.

Proceedings.



Bond of  
claimant.

opening and widening of streets. In case the person making such claim be not in possession of the land, building or structure, in respect to which such claim is made, or in case the council shall deem such case unfounded, it may require the claimant to file with the mayor a bond with sufficient sureties to be approved by him, conditioned to pay all costs, expenses and disbursements which may be incurred by the city in such proceedings, in case no award for damages shall, by such commissioners, be made in favor of such claimant; and until such bond be filed, the council may suspend such proceedings. In case two or more persons shall make separate claims for damages, within said six weeks, all such claims shall be considered and disposed of in the same proceeding.

Disposition  
of separate  
claims.

Appeals  
from order  
of discontinuance.

§ 43. Any person aggrieved by such order of discontinuance may, at any time within sixty days after such order shall have been filed in the mayor's office, appeal therefrom to the supreme court by a notice in writing, to be served upon the mayor; such appeal shall be heard at special term, and the court shall affirm or vacate such order as it may deem for the best, having due regard for the rights and interests of the traveling public, as well as the individuals affected thereby. No paper shall be read on such appeal, except the proceedings of the council and such affidavits and objections as may have been served upon the mayor with the notice of appeal except to sustain the order of discontinuance.

Certain  
expenses in  
expense of  
proceeding.

§ 44. The expense of advertising and printing, and compensation of all persons other than salaried city officers and employees necessarily employed in any proceeding under this title, is part of the expense thereof and shall be assessed as such.

Amount  
assessed,  
how fixed.

§ 45. The council shall, unless otherwise provided by this act, estimate and fix the amount of money to be raised by assessment.

Amount of  
money  
raised for  
general  
purposes  
limited.

§ 46. That the total amount of money raised for general purposes shall not exceed in any one year one per centum of the assessed value, exclusive of money necessary to pay any indebtedness legally authorized as such as may be in the future authorized by a vote of the taxable inhabitants, and such further sum as may be necessary to carry on the school system as herein provided.

Appropriations  
beyond  
amount  
in budget  
prohibited.

§ 47. The municipal council shall not make or pass any order, resolution or motion appropriating money beyond the annual appropriations in the budget for current department expenses, in excess of two thousand dollars or make or authorize the making of any contract involving a liability on the part of the city in excess of two thousand dollars except (a) for public lighting; (b)

Exceptions.

by vote of the taxable inhabitants upon a question submitted for that purpose; (c) for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is made or passed by a four-fifths vote.

§ 48. The council of the city of Beacon may contract in the name of the city with an individual or corporation for lighting the streets, public grounds and public buildings of the city by gas, electricity or other substance; but such contract shall not be made for a longer period than five years, nor at an expense for each fiscal year exceeding four mills on every dollar of taxable property of the city as appears on the last preceding assessment-roll, unless authorized at a city election.

§ 49. The commissioner of accounts shall be the assessor in and for the city of Beacon and he shall have, possess the powers and perform the duties of assessors of towns of this state. He shall cause to be prepared in manner and form as nearly as may be, as prescribed by the tax laws of the state, an assessment-roll of all property within the city and he shall in addition to the information required by law state separately the value of the personal property, the value of the land without the improvements thereon and the value of the land with the improvements thereon. On the completion of the assessment-roll which shall be done on or before the first day of August in each year, he shall deposit the said roll in his office and cause to be published in the official city newspaper once a week for two successive weeks a notice that the assessment-roll is completed and on file in his office, where it may be examined for twenty days next after completion of said notice; and that the council will attend at his office for the last five of said twenty days from two o'clock in the afternoon until nine o'clock in the evening to review the assessments and make any corrections therein. During the aforesaid twenty days the said assessor shall review and correct the said assessment-roll under the direction of the council and within thirty days thereafter verify the same. During the time of the reviewing and correcting said roll he shall have the power to insert therein any property liable to taxation which may have been omitted from the said roll and the assessment therefor, after first giving to the owner thereof personal notice in writing of not less than five days to attend at the time and place to be therein stated to show cause why any specified correction should not be made. The council shall in like manner assess the cost of local improvements ordered by the

Lighting  
contracts.

Assessor.

Assessment-  
roll.

Notice of  
completion.

Review  
and cor-  
rection.

Insertion  
of property  
omitted.

Assessment  
of cost of  
local im-  
provements.

commissioners or other competent authority where the cost of such local improvement or any part thereof is made a charge upon the property deemed by them to be benefited thereby.

Correction  
of errors.

Confirma-  
tion; de-  
livery to  
supervisors.

§ 50. He shall under the direction of the council correct all manifest clerical errors in the description or valuation of property in the assessment-roll. The council shall thereupon confirm said roll and shall cause to be made a copy thereof and certify the same and deliver it to one of the supervisors of the city who shall present it to the board of supervisors of the county of Dutchess at their next meeting.

Apportion-  
ment of  
assess-  
ments.

Confirma-  
tion.

Lien of  
taxes.

§ 51. When the council shall have fixed a tax or approved the amount of an assessment, he shall cause to be apportioned and extended the amount thereof opposite the several valuations of real and personal property appearing in the assessment-roll, in conformity as near as practicable with the provisions of law in respect to apportionment and extending of taxes by supervisors. When such apportionment shall be completed the board shall confirm the same; and the day, hour and minute of such confirmation shall be entered in its ordinance book; and from the moment of such confirmation, the taxes so embraced in such roll, as apportioned, shall be the first lien upon the property or franchises respectively against which the same is levied.

Apportion-  
ment where  
person  
desires to  
pay tax  
on part of  
land  
assessed.

§ 52. Upon the application in writing of any person desiring to pay the tax or assessment on, or to redeem from sale, for any unpaid tax or assessment, a part of any lot of land, or one or more lots of land, upon which, with other lots of land, a tax or assessment has been levied, the council shall apportion, in writing, the tax or assessment on such lot or lots of land, or the amount for which the same shall have been sold, between the land upon which the applicant desires to pay the tax or assessments or to redeem, and the remaining part thereof; and like proceedings may be had thereafter as if the land had been separately assessed and a separate amount of tax or assessment levied upon each. Such apportionment shall be confirmed by the council and shall be filed in the office of the commissioner of accounts.

§ 53. Acquisition of property for public purposes; sale of city property. The city shall have power to take lands for public buildings, parks, public grounds, squares, streets, alleys, fountains, canals, basins, slips and other public waters, docks and for any other corporate purpose or object, and to take proceedings to perfect its title where title has been acquired or attempted to be

acquired, and has been found to be invalid or defective, and the latter proceeding may be joined with any new proceeding for acquiring lands for a similar purpose.

§ 54. Whenever any work or improvement authorized by this act shall be undertaken, the city may take for the purpose thereof, as provided in this act, lands held or used for public purposes by any corporation having the power of eminent domain, or otherwise held or used for public purposes; but in such case only such interest or easement shall be taken as may be necessary for carrying out such work or improvement, and to that extent such taking is hereby authorized.

Acquisition of lands of corporations used for public purposes.

§ 55. All proceedings for the acquisition of property for public purposes shall be taken in accordance with and subject to chapter twenty-three of the code of civil procedure of the state of New York, unless otherwise provided herein.

Condemnation proceedings.

§ 56. The council may, by resolution, direct the sale of any land acquired by the city for public use, and which it has failed to appropriate or ceased to use for the purpose of such use, at public auction to the highest bidder. Notice of the time and place of such sale, together with a short description of the property, shall be published once a week for three weeks in the official paper of the city, and no appraisal thereof shall be made or deemed necessary in cases of sale under this section unless an application has been made as provided in section fifty-two of this act before the passage of a resolution of the council directing the sale of premises under this section.

Sale of land acquired by city.

§ 57. In cases, however, where assessments have been offset against awards for the value of the property taken, the council may authorize the release and conveyance by deed to be executed by the mayor, and under the seal of the city in such lands, or parts thereof, to the parties interested therein who are equitably entitled to such conveyance, upon payment by them to the city of the moneys expended by the city in the purchase or the taking of said lands or ratably in proportion to such parts thereof with interest thereon from the time of such expenditures, or upon such other terms and conditions as the council shall deem best for the interests of the city. In case the city of Beacon shall at any time abandon the public use of any lands appropriated by it for public use, or shall be about to abandon such use, the council by not less than a four-fifths vote may authorize the conveyance under the hand of the mayor, and the corporate seal of said city,

Reconveyance of lands acquired in certain cases.

Exchange of lands acquired.

of any such lands or any part thereof so abandoned, or about to be abandoned, in exchange for other lands substantially of equal value required by said city for a like public use.

## TITLE IV.

### ELECTIONS.

General  
municipal  
election.

Application  
of election  
law.

§ 58. There shall be a general municipal election held on the third Tuesday in March, nineteen hundred and fifteen, and every second year thereafter there shall be held on the third Tuesday in March a general municipal election. The council shall appoint the inspectors of election and such other officers as are now required by the general election law of the state of New York to conduct such election, and in all things the general election law of the state of New York shall govern as applicable to cities of the like size, except as herein otherwise provided.

## TITLE V.

### CITY COUNCIL; COMMISSIONERS.

§ 59. **No further compensation.** None of any such commissioners shall receive any further compensation for any service he may render the city during his term of office, other than his salary as commissioner, and all fees or other moneys coming into his hands by virtue of his office shall be accounted for and paid over forthwith to the city.

§ 60. **Qualifications.** No person shall be eligible to the office of any such commissioner unless he is a qualified elector.

§ 61. **Vacancies.** If a vacancy occur in the office of any such commissioner, the council shall appoint an eligible person to fill such vacancy until the next general municipal election, and any such vacancy shall then be filled by the election for the unexpired term. A vacancy shall exist when an elective officer fails to qualify for ten days after notice of his election, dies, resigns, removes from the city, absents himself from his duties without permission of the council for more than ten consecutive days, is convicted of a felony or judicially declared a lunatic.

§ 62. **Legislative powers.** The city council shall consist of five commissioners and shall except as otherwise provided by this charter be vested with all the legislative powers of the city.

§ 63. **Rules.** The council shall determine its own rules of procedure, may punish its members for disorderly conduct, and compel their attendance at the council meetings.

§ 64. **Meetings.** The council shall prescribe the time and place of its meetings, and the manner in which special meetings thereof may be called. The commissioner of public accounts shall be the clerk of the council, and shall, with the mayor, sign and attest all ordinances and resolutions. A majority of all the members shall constitute a quorum to do business, but a less number may adjourn. The council shall sit with open doors at all legislative sessions and shall keep an accurate journal of its proceedings in detail, which shall be a public record.

§ 65. **Restrictions upon members.** No member of the council shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the council while he was a member thereof until after the expiration of one year from the date when he ceased to be such a member.

§ 66. **Contractual powers.** The city council shall have no power to make any contract of any kind or nature whatsoever, or to make any lease of city property, for a longer period than five years, nor shall it have any power to sell, abandon, grant or otherwise dispose of, any title or right of the city to any real estate, franchise, right of way, street, avenue, alley or other public property, all such powers being reserved to the people and to be exercised only by the qualified voters, at a general or special municipal election.

§ 67. **Ordinances and resolutions.** (a) In legislative sessions the council shall act by ordinance, resolution or motion.

(b) The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of its proceedings. Upon the request of any member the ayes and nays shall be taken and recorded upon any motion. Every member when present must vote and every ordinance passed by the city council shall require on final passage the affirmative vote of a majority of all members of the council.

(c) No ordinance shall be passed finally on the date it is introduced except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by unanimous vote of all members of the council present. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(d) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Beacon."



§ 68. **Publication of ordinances.** Every proposed ordinance shall be published once in full in a newspaper of the city at least ten days before its final passage. After such final passage, it shall be again published once in a newspaper, as amended and completed, except in cases of an emergency ordinance, which may be passed as heretofore provided, and which shall take effect upon passage and be so published within seven days thereafter.

§ 69. **Amendment or repeal.** No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

§ 70. **Ordinances granting franchises.** No proposed ordinance granting any franchise or an extension thereof shall be put upon its final passage within sixty days after its introduction nor until it has been published not less than once a week for six consecutive weeks in two newspapers of the city in general circulation.

§ 71. **Record of ordinances.** A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signatures of the mayor and clerk. The ordinances adopted by the vote of the qualified electors of the city shall be separately numbered and recorded, commencing with "People's Ordinance, No. 1."

§ 72. **Proof of charter and ordinances.** This charter or any ordinance may be proved by a copy thereof, certified to by the city clerk under the seal of the city, or when printed in book or pamphlet form and purporting to be printed by authority of the city, the same shall be received in evidence in all courts without further proof.

§ 73. **Fiscal year same as calendar year.** The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

§ 74. **Public moneys.** The commissioner of finance shall, under the power and control of the city council, have the direct management of the revenue of the city except as otherwise provided by this charter, or by ordinance. He shall be ex officio city treasurer, with the usual duties and powers of that office.

Deposit of  
cash  
balances.

§ 75. The cash balance of the city in the hands of the city treasurer for deposit in the banks shall be kept on deposit in one or more of the banks of the city without discrimination.

Payment of  
demands  
against  
city.

§ 76. No demand for money against the city shall be approved, allowed, audited or paid unless it shall be in writing, dated and



sufficiently itemized to identify the expenditure and shall first be approved by the commissioner at the head of the department creating the same.

§ 77. The council shall, by ordinance, provide a system for the collection, custody and disbursement of all public moneys and a system of accounting for the city, establishing as nearly as may be a uniform system of municipal accounting, such system to be in accord with the provisions of this charter.

§ 78. Duties of purchasing agent. The commissioner of accounts shall procure all supplies ordered by the city council in such manner as it may direct. He shall also procure supplies for any commissioner upon requisition therefor. Such requisition shall be in writing, the quality, quantity and kind of material required, whether urgency demands that the order be made by wire, whether the supplies should come by express or otherwise, and the probable cost thereof, in detail, if known. In case of emergency, where the estimated cost exceeds two hundred dollars, such requisition shall have the indorsement of one other commissioner. If no emergency exists a requisition for supplies, the estimated cost of which is above one hundred dollars, shall first be approved by the council. Whenever he considers it practical and advantageous, the purchasing agent shall advertise for competitive proposals for any supplies in a public newspaper, or by circular letters, or other means, sent to several competitive dealers. All such requisitions, correspondence and competitive bids received shall be kept on file in the office of the commissioner of supplies. The provisions of this act requiring advertisements for bids or proposals or the awarding of contracts for work or supplies to be furnished for any of said departments shall not be applicable to the supplies which may be furnished under the provisions of the prison law.

§ 79. The board of supervisors shall certify to the commissioner of finance the amount of taxes for state and county purposes assessed upon the city, and the commissioner of finance shall extend and apportion said taxes on the assessment-roll, together with the city taxes as herein provided.

§ 80. There shall be elected at the general state election held on the first Tuesday after the first Monday in November, nineteen hundred and thirteen, four supervisors for the city of Beacon. The said supervisors shall be elected one from each of the wards of the city and shall hold office for a term of two years as provided by the general law of the state of New York, relating to

supervisors. Their successors shall be chosen biennially at the general elections in odd-numbered years, except as otherwise provided by statute. They shall receive the same salary as the other supervisors of the county of Dutchess and the same fees and compensation, except as otherwise provided. They shall be members of the board of supervisors of the county of Dutchess, and they shall have for the said city the powers and duties of supervisors of towns. At all elections of supervisors, including such first election, the votes in the several election districts shall be canvassed by the inspectors of election therein; and the results shall be recanvassed and statements made by the council of the city in the manner provided by law for such recanvass by a town board in towns where town meetings are held in election districts. The supervisors of the city shall constitute the board of canvassers of elections of commissioners and city judge, chosen at municipal elections, other than the first election in the year nineteen hundred and thirteen, and shall meet to receive and canvass the results from districts on Thursday, at twelve o'clock, noon, following each municipal election at which commissioners and city judge, or any of them, are voted for, and shall file a certificate of the result with the city clerk and a duplicate with the county clerk.

§ 81. **Department estimates of annual requirements.** On or before the first day of October each year, the heads of the departments, offices, boards and commissions shall send to the commissioner of finance a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions during the next ensuing fiscal year.

§ 82. **Annual general city estimate.** On or before the third Monday in October each year, the commissioner of finance shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city and the warrants of all departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department, also an estimate of the amount of income from fines, licenses, water rents and all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the city.

§ 83. **Annual budget.** The council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

§ 84. **Annual appropriation.** Upon said budget as adopted and filed the council shall pass an ordinance not later than the thirty-first day of October in each year which shall be entitled "The annual appropriation ordinance," in which it shall appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the city and in such ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each object and purpose therein named for the ensuing fiscal year.

§ 85. **No liability without appropriation.** Except as herein otherwise specifically provided, the city expenditures in any one year shall not be increased over and above the amount provided in the annual appropriation ordinance for that year, and no contract involving the expenditure, and no expenditure for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall exceed in any one year the amount provided in the annual appropriation ordinance to be paid out of the said general and special funds so appropriated and set apart, but the said several funds shall be maintained for, used and devoted to the particular purposes specified in the annual appropriation ordinance.

§ 86. It shall not be lawful for any department or officer of the city to incur or contract any expense or liability for or on behalf of the city unless such an appropriation shall have been made concerning such expense. Such contract shall be ab initio null and void as to the city for any other or further liability; provided, first, that nothing herein contained shall prevent the council from providing by ordinance for payment of any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

Expense to  
be incurred  
only where  
appropria-  
tion made.

Exceptions.

§ 87. **Special appropriations for nineteen hundred and thirteen and nineteen hundred and fourteen.** The council shall, during the year nineteen hundred and thirteen, pass such special appropriation ordinances as may be necessary to pay the salaries and defray the expenses of any and all departments, officers and employees of the city for the years nineteen hundred and thirteen and nineteen hundred and fourteen, but not thereafter; and the warrants for the payment of such salaries and expenses after being duly allowed and audited may be drawn against such appropriation, and the amount so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year, which shall be sufficient to pay the same.

§ 88. **Assistants and employees.** The mayor with the advice and consent of the city council shall appoint a health officer, fix his compensation and prescribe his duties.

§ 89. **Duties of each commissioner.** He shall keep such books of account as are required by this charter, make an annual full detail report of all the assets and liabilities, receipts and expenditures of his department, including cost of maintenance, extension and improvements. He shall not let the work for any extension or new construction on contract unless directed by the council, but the same shall be done directly by the city, procuring the necessary labor and material. The character of any extensions to be undertaken and the extent thereof shall be determined by the city council.

§ 90. **Rates, regulations, fines.** The city council shall by ordinance fix uniform rates and establish regulations for the use of water by consumers, provide for the orderly administration of the department, and impose fines and penalties for the violation of such regulations.

§ 91. **City attorney.** The city attorney shall be appointed by the mayor with the advice and consent of the council for a term of two years and it shall fix his compensation. He shall be the legal adviser of the mayor, council, commissioners and departments, and shall conduct all cases in court wherein the city shall be a party plaintiff or defendant, or a party in interest; and shall perform such other duties as are required by ordinance.

§ 92. **Oath of office.** Every officer or salaried employee shall, before he enters upon the duties of his office, take, subscribe and file with the clerk the constitutional oath of office.

§ 93. The commissioner of accounts and the commissioner of <sup>Bonds of</sup> finance before entering upon the duties of their office shall file a <sup>officials.</sup> bond in the office of the commissioner of accounts in an amount fixed by the council. The council in its discretion may increase or decrease at any period of the year the amount of the bond of other officials.

§ 94. **No extra compensation.** No officer or employee shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvements, alterations or repairs required by authority of the city, except his lawful compensation or salary as such officer or employee.

§ 95. **Opinions not affect appointments.** No appointment to any position under the city government shall be made or withheld by reason of any religious or political opinions, or affiliations, or political service; and no appointment or election to, or removal from, any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected or made by reason of such opinions, affiliations or service.

§ 96. **Official books and documents.** (a) All books, records and papers of each office, department, board or commissioner are city property and must be kept as such by the proper official or employee during his continuance in office, and delivered to his successor, who shall give duplicate receipts therefor, one of which shall be filed with the city clerk. The failure to so deliver such books, records and papers shall be a misdemeanor.

(b) Certified copies or extracts from the books, records and files shall be given by the officer, board, commission or employee having the same in custody to any person demanding the same and paying for such copy or extract; but the records of the police department shall not be subject to inspection or copy without the permission of the mayor.

(c) All equipment, collections, models, materials, construction tools and implements which are collected, maintained, used or kept by the city, or by the department, board or commission shall be city property, and be turned over by the custodian thereof to his successor, or duly accounted for.

§ 97. **Payment of debts.** Failure of any employee to promptly pay any legal indebtedness contracted by him while in the service of the city shall be ground for his removal from such employment.

§ 98. **Penalty for violation.** Any person who shall violate

any of the provisions of this charter for the violation of which no punishment has been provided herein shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

## TITLE VI.

### CITY COURT AND SCHOOLS.

Municipal  
court.

Judge.

Duties.

Fees.

Practices,  
procedure  
and juris-  
diction.

§ 99. A court of civil and criminal jurisdiction known as the municipal court of the city of Beacon is established in and for the said city with the jurisdiction and the powers within the said city of a justice of the peace in towns. The judge of said court shall be a magistrate. He shall hold office for a term of four years, except as otherwise hereinafter provided. He shall take the oath of office prescribed by law before entering upon his duties and file the same in the county clerk's office of the county of Dutchess. He shall be known as the city judge and shall be an attorney and counselor-at-law for at least five years and a resident of the said city or villages which it supersedes for at least three years prior to the beginning of his term. Except as otherwise provided in this charter, the term of office of the city judge shall be four years. Should a vacancy occur during the term of office of the city judge, the council shall forthwith fill the same and the person so appointed shall hold office until midnight on the thirty-first day of March following the next general municipal election. The city judge shall receive a salary of one thousand dollars a year, payable in equal monthly installments. It shall be the duty of the city judge to hold a court in said city and which said court shall be open for business each day, Sundays and legal holidays excepted, at eight o'clock in the forenoon and continue open during reasonable hours for the transaction of business. He shall charge the same fees as a justice of the peace in towns is entitled to charge and account for the same to the city and pay over on the first day of each and every month the same to the commissioner of finance.

§ 100. Processes and mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practices and procedure in said court and before the said judge and the jurisdiction of said court and persons and subject-matter shall be the same as in courts of justices of the peace in towns except as



otherwise provided in this act and all provisions of law applicable to justices of the peace in towns and courts held by them and all proceedings had before them and to their official acts, duties and powers, shall apply to the city court and the judge thereof, except as qualified by this act.

§ 101. Appeals may be taken from judgments of the city court Appeals. and proceedings before the said judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Dutchess and the enforcement of such judgments will be had in the same manner and in like force and effect as in courts of justices of the peace in towns. Where the party or parties are not entitled to a new trial in the county court, as provided for appeals from courts of the justices of the peace, the county court, on such appeal from such judgment, may review the facts, affirm, reverse or modify the judgment appealed from or order a new trial before the city court or judge, with costs to abide the event, and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 102. Schools and the boards of education. 1. All the territory included within the said city of Beacon shall hereafter be one school district and so much of the school districts at present included within the present villages of Matteawan and Fishkill Landing shall cease to exist from the first day of September, nineteen hundred and thirteen, except that the portions of said districts which shall remain outside of said city boundaries shall continue as districts until they shall have changed in accordance with the education law. Upon the taking effect of this act, the district superintendent of schools having jurisdiction shall apportion the outstanding bonded indebtedness of the school districts included within the present villages of Matteawan and Fishkill Landing between that portion of such districts which is included under this act within the city of Beacon and the portion remaining outside of such city according to the assessed valuation of such portions of such districts and the amounts of said indebtedness so apportioned shall become a charge for principal and interest upon the said city and upon the districts formed by this act.

2. The school district of the city of Beacon shall be controlled by a board of education consisting of nine members appointed by the city council. At a regular meeting of the council to be held during June, nineteen hundred and thirteen, the council shall



choose nine members to hold office from and after September first, nineteen hundred and thirteen, three for three years, three for two years and three for one year, all from September first, nineteen hundred and thirteen; and thereafter at such meeting in every June the council shall choose three members of the school board to hold office for three years. Any person of good moral character and legal age and not otherwise an official or employee of the city, who is a resident of the city, may be eligible to appointment as such member of the school board.

3. The school board shall have exclusive charge and control of all school matters and school property of the city. It shall prepare an annual report and a budget for the ensuing year for the annual meeting of the council. The commissioner of finance shall have the custody of all school funds, but shall pay out the same on the written order of the school board properly countersigned by its president and clerk.

4. The board of education and its successors shall possess all the powers conferred and discharge all the duties imposed by this act or by any general law of this state relating to school districts in cities; or relating to the board of education of such districts. It shall have power to appoint a clerk and fix his salary.

5. The commissioner of finance is hereby designated as the person to receive all public money which the said city, or the schools therein, are or shall be entitled to receive from the state, or by tax or by loan from the city, or otherwise.

6. Money for all school purposes, including erection of new buildings, repairs, additions to present structures and the purchase of land for school purposes, shall be raised by the city council in accordance with the general provisions of the charter.

## TITLE VII.

### MISCELLANEOUS PROVISIONS.

Salaried  
officer not  
to hold  
other office.

Compensa-  
tion beyond  
salary  
prohibited.

§ 103. No person elected or appointed to any salaried office under this act shall, during his term of office, hold any other public office whatever, except that of notary public or commissioner of deeds. If any person holding any salaried office under this act shall accept any other public office he shall thereby cease to hold his office under this act. No officer shall receive any compensation, perquisite or benefit in any way, except his salary, fixed by law or ordinance, for any service performed, work done, or permit

granted under any public authority, except as notary public and commissioner of deeds and except as in this act otherwise provided.

§ 104. Any person elected or appointed under this act to any office or place, who shall upon the expiration of the term for which he was elected or appointed, or upon his removal from such office or place, refuse to deliver the books, papers and effects pertaining to the office or place, to his successor, shall be guilty of a misdemeanor, and may also be proceeded against in the manner provided in the public officers law. Every officer of the city, and every person employed by the city, or by any officer of the city, who shall lend or convert to his use, or to the use of another, money belonging to the city, shall be guilty of larceny. Any officer who shall willfully neglect his duty shall be guilty of a misdemeanor. The mayor, the commissioner of accounts, the commissioner of finance, the commissioner of public works, and the commissioner of public safety may be removed by the governor for cause after hearing. The city judge may be removed for cause by the appellate division of the supreme court sitting in the judicial department in which the city is situated; the members of the board of education may be removed as provided by law. All other officers except as otherwise provided may be removed for cause after a hearing by the council.

Offenses committed by city officers.

Removal of city officers.

§ 105. The books, documents, maps, rolls and papers in the office of any city officer shall, at all reasonable times, be open to the inspection and examination of the public. If any officer shall unreasonably refuse to produce and submit to the inspection of any person any such book, document, map, roll, or paper he shall forfeit fifty dollars to the city, to be recovered by action.

Books, etc., to be open to public inspection.

§ 106. The printed minutes of the proceedings of the council when approved or confirmed by it, and certified by the city clerk, shall be received by all the courts of this state as prima facie evidence of such proceedings.

Minutes of proceedings of council as evidence.

§ 107. No person shall be incompetent to act as judge, justice, commissioner, referee, juror or witness by reason of his being resident or freeholder of the city, in any action or proceeding to which the city is a party, or in which it is interested.

Residents not disqualified when city party to action.

§ 108. The journals of the council, or a copy thereof certified by the city clerk, shall be evidence of the proceedings therein set forth. All the records, including all tax and assessment rolls, documents and maps required or permitted by law to be filed and kept in any office of the city when certified by the clerk, head or

Journals of council as evidence.

Certain records as evidence.

chief of said office, and attested by the mayor under the seal of the city shall be admitted in evidence in all courts and shall be presumptive evidence of the facts or proceedings appearing therein. It shall not be necessary for the city, in any action or proceeding in which it is a party, to give any bond, undertaking or security on appeal, or to obtain a provisional remedy, or to take or prevent any other proceeding.

Bond not required of city in certain cases.

Proceedings begun by Matteawan and Fishkill Landing ratified; to be completed.

§ 109. All proceedings, matters and things which were begun or regarding which any action or preliminary steps had been taken by the villages of Matteawan and Fishkill Landing, or its departments, officers, agents or servants prior to the day this act takes effect, are hereby ratified and confirmed, and shall be continued, carried on and completed under the provisions of this act, the same as if such proceedings, matters and things, and such action and steps had been taken in conformity with the provisions of this act. Proceedings for the levying of taxes and assessments and the collection of the same, and the sale of lands for nonpayment of the same, pending and incomplete on the day this act takes effect shall be carried on and completed under the provisions of this act. All acts and proceedings of the villages of Matteawan and Fishkill Landing, or its departments, officers, agents or servants, regarding or affecting such proceedings, matters and things since and including the day this act takes effect, are hereby ratified and confirmed: and all acts of the officers in any department, before the provisions of the act hereby applicable to such department were in full operation, are hereby declared to be valid and legal and ratified and confirmed. Provided, however, that this act shall not affect any proceeding, matter or thing which was begun, or regarding which any action or preliminary steps have been taken by the villages of Matteawan and Fishkill Landing, or its departments, officers, agents or servants, or any proceedings for the levying of taxes and assessments and the collection of the same, concerning which any suit or special proceeding is now pending in any court, but the validity and effect of all said proceedings, matters and things, taxes and assessments, shall be adjudged and determined in said suit and proceedings as the same would be adjudged if this act had not been passed.

Pending actions.

Termination of office of present officers.

§ 110. On the second Tuesday after the first general municipal election in the year nineteen hundred and thirteen, at nine o'clock in the forenoon, the offices and terms of office of the boards of trustees, and of all other officers, of the villages of Fishkill Landing

and of Matteawan shall terminate and their powers and duties devolve on the appropriate officers of the city of Beacon, as provided in this act, in so far as the same or similar powers and duties are continued or modified by this act. On or before the time above provided for such devolution of powers and duties, the commissioners and city judge of such city chosen at the first general municipal election in the year nineteen hundred and thirteen shall take the oath of office before a notary public or justice of the peace and shall enter upon the discharge of their official duties at nine o'clock in the forenoon on said second Tuesday after the election at which they were chosen, and the municipal council shall meet and organize at that time. The absence of one or more commissioners from such first meeting shall not affect the organization of such municipal council. Any person entitled to take the oath of office who was not present at the time above fixed therefor may take the same at any time thereafter. The boards of education of the school districts included within the territory hereby created the city of Beacon shall hold office until the education law has been complied with, at which time the said council shall appoint the persons herein provided for.

Qualifica-  
tion and  
organiza-  
tion of new  
officers.

§ 111. **General and special municipal elections.** The first municipal election shall be held in the city of Beacon on the first Tuesday occurring after the expiration of thirty days after this act takes effect. Thereafter a municipal election shall be held in such city on the third Tuesday in March in each odd-numbered year, beginning with the year nineteen hundred and fifteen. The commissioners provided for in this charter, and the city judge, shall be elected at such elections. Every such election shall be known as the general municipal election. Every other municipal election, held under the provisions of this charter, shall be known as a special municipal election. Of the officers elected at the first general municipal election, the commissioner of public safety, the commissioner of accounts and the city judge shall take office on the second Tuesday following such election, at nine o'clock in the forenoon, and shall hold office until the first day of April, nineteen hundred and fifteen, and until their successors in office qualify; and the commissioner of public affairs, the commissioner of finance and the commissioner of public works, first elected, shall take office at the same time as the other officers first elected but shall hold office until the first day of April, nineteen hundred and seventeen, and until their successors in office qualify. The

successors of the commissioner of public safety, the commissioner of accounts, and the city judge shall be elected at the general municipal election in the year nineteen hundred and fifteen for full terms of four years each, beginning on the first day of April in such year; and every fourth year thereafter, at the general municipal election, there shall be elected a commissioner of public safety, a commissioner of accounts and a city judge for full terms, beginning on the first day of April following such election. The successors of the commissioner of public affairs, the commissioner of finance and the commissioner of public works shall be elected at the general municipal election in the year nineteen hundred and seventeen for full terms of four years each, beginning on the first day of April in such year; and every fourth year thereafter, at the general municipal election, there shall be elected a commissioner of public affairs, a commissioner of finance and a commissioner of public works for full terms, beginning on the first day of April following such election. For the purposes of succession to office, after the year nineteen hundred and thirteen, a full or short term, as the case may be, ending on the first day of April, shall expire and the full term of a successor begin at midnight on the thirty-first day of March preceding, but no officer whose term shall have expired shall cease to hold office until his successor shall have qualified.

Committee  
to hold  
first  
election.

§ 112. The following persons, to wit: James G. Meyer, George H. Toop, F. L. Howard, Henry Jackson, John O. Wixom, John J. Donnelly, Samuel K. Phillips, Samuel Parsons, William Graham, John P. Rider, John T. Smith, E. L. Tompkins, Benjamin Hammond, I. J. Justus, John W. Corwin, A. H. Blackburn, R. W. Doughty, Samuel Beskin, Frank Van Houten and F. L. Rosa, are appointed a committee for the purpose of holding and conducting the first general municipal election in the city of Beacon as provided in this charter, and are hereby authorized, empowered and directed to prepare for the holding of the first election in the manner prescribed by the provisions of this charter and the provisions of the election law; and the said committee hereby appointed may appoint the bi-partisan election officials upon the certificate of the political parties authorized by the election law of the state of New York to name the inspectors of election. And the said committee hereby so appointed are authorized, empowered and directed to act as a board of canvassers in and for the said election so held. At such election there shall be elected the fol-

Election  
officials.

Board of  
canvassers.

Officers to  
be elected.

lowing commissioners: The commissioner of public affairs, the commissioner of accounts, the commissioner of finance, the commissioner of public works, the commissioner of public safety, and city judge. For the election provided under this section all persons residents of the said city entitled to vote at the last general village elections and those taken within said city by this act who are electors of the town of Fishkill and would be eligible to vote at a town election and persons residing within the territory are hereby declared to be entitled to vote for the officers provided under this act.

Persons  
entitled to  
vote.

§ 113. The commissioners elected under the provisions of the preceding section are authorized between the date of their election and the date of their assumption of office from time to time to meet, formulate and adopt such ordinance or code of ordinances as may in their opinion be necessary to provide for carrying out the provisions of this act; and to enable the board and its members to undertake the government of the city; such ordinance or code of ordinances may be adopted in their entirety by the said board on the date of their assumption of office, and shall become operative immediately and shall be entered in the ordinance book and signed; provided, however, that said ordinance or code of ordinances shall be published once in a newspaper printed in the said city of Beacon. For such purposes, only, the terms of commissioners shall be considered to commence before they assume office, but they shall not be entitled to any compensation for the period prior to assumption of office.

Ordinance  
or code of  
ordinances  
to carry  
out pro-  
visions of  
this act.

§ 114. All actions or causes of action, suits or claims for damages, rights or privileges of any kind, pending to which the present villages of Matteawan and Fishkill Landing or the public corporations taken within said city of Beacon are or now is a party plaintiff or defendant shall in no wise be affected or terminated by the provisions of this charter and shall continue unabated; and all actions or causes of action, suits or claims for damages, rights or privileges of any kind which may have been held up at the time of the taking effect of this act for public use, or in trust for the public, shall vest in and inure to the corporation known as the city of Beacon under this act.

Pending  
actions.

§ 115. This act shall take effect immediately, but the villages of Fishkill Landing and Matteawan shall not be dissolved nor the powers and duties of their respective offices terminated until nine o'clock the second Tuesday after the first general municipal election in the year nineteen hundred and thirteen.

In effect,  
when.



## Chap. 540.

AN ACT to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," with reference to damages for change of grade of streets, with reference to real estate acquired under said act and with reference to contracts made in emergencies or for limited amounts.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1891,  
ch. 4, § 36,  
as amended  
by L. 1909,  
ch. 498,  
amended.

Section 1. Section thirty-six of chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine,<sup>1</sup> is hereby amended to read as follows:

§ 36. **Advertising for proposals.** The said public service commission before awarding any contract or contracts except where there is an extraordinary emergency involving danger to life or property or where the estimated expense of a contract does not exceed ten thousand dollars<sup>2</sup> shall advertise for proposals for such contracts by a notice to be printed once a week for two successive weeks in no less than two of the daily newspapers published in said city, and in such newspapers published elsewhere than in said city as said commission shall determine. Such notice shall set forth and state the points within said city, between which said road or roads is or are to run, the general method of construction, the route or routes to be followed, the term of years for which it is proposed to make such contract, and such other details and specifications as said commission shall deem to be proper. Said notice shall state the time and place at which said proposals will be opened, and the said commission shall attend at the time and place so specified, and shall publicly open all pro-

<sup>1</sup> Section 36 was added by L. 1894, ch. 752, and amended by L. 1895, ch. 519.

<sup>2</sup> Words "except where there is an extraordinary emergency involving danger to life or property or where the estimated expense of a contract does not exceed ten thousand dollars," new.



posals that shall have been received, but the said commission shall not be bound to accept any proposals so received, but may reject all such proposals and readvertise for proposals in the manner hereinbefore provided, or may accept any of such proposals as will, in the judgment of such commission, best promote the public interest, and award a contract accordingly. All such contracts must before execution be approved as to form by the corporation counsel, or other chief legal adviser of such city.

§ 2. Subdivision one of section thirty-seven of said chapter, as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, and by chapter eight hundred and eighty-eight of the laws of nineteen hundred and eleven,<sup>3</sup> is hereby amended to read as follows:

§ 37,  
subd. 1, as  
amended  
by L. 1909,  
ch. 498, and  
L. 1911,  
ch. 888,  
amended.

1. For the purpose of providing the necessary means for such construction, or equipment, or both, as the case may be, or acquiring by purchase, at the public expense, of any such road or roads, or of galleries, ways, subways and tunnels for subsurface structures, and the necessary means to pay for lands, property, rights, terms, privileges and easements, whether of owners, abutting owners or others, which shall be acquired by the city for the purposes of the construction or the operation of such road or roads as hereinafter provided, and the necessary means to pay awards made as hereinafter provided for damages for change of grade on any street and to pay the expenses of proceedings to determine such damages,<sup>4</sup> and of meeting the interest on the bonds in this section hereinafter provided for accruing thereon prior to the completion and readiness for operation of the portion of such road or roads, and the said galleries, ways, subways and tunnels for subsurface structures, for the purchase, construction, or equipment of which such bonds shall have been respectively issued, the board of estimate and apportionment, or other local authority in said city, in which such road or roads are to be constructed, having power to make appropriations of moneys to be raised by taxation therein, from time to time, and as the same shall be necessary, and upon the requisition of said public service commission, shall direct the comptroller or other chief financial officer of said city, and it shall thereupon become his duty, to issue the bonds of said

Issue of  
bonds by  
city.

<sup>3</sup> Section 37 was added by L. 1894, ch. 752, and amended by L. 1895, ch. 519, L. 1904, ch. 562, L. 1906, chaps. 472, 607, L. 1907, ch. 534, and L. 1908, ch. 472.

<sup>4</sup> Words "and the necessary means to pay awards made as hereinafter provided for damages for change of grade on any street and to pay the expenses of proceedings to determine such damages," new.

Sale.

Exemption  
from  
taxation.Sinking  
fund.§ 37,  
subd. 2, as  
amended  
by L. 1909,  
ch. 498, and  
L. 1911,  
ch. 888,  
amended.Amount of  
bonds  
limited.

Contracts.

Hearing on  
terms of  
contract.

city at such a rate of interest as the board of commissioners of the sinking fund of said city, if there be such a board, or if there be no such board, then as other local authority directing the issue of such bonds, may prescribe. Said bonds shall provide for the payment of the principal and interest in gold coin of the United States of America. They shall not be sold for less than the par value thereof, and the proceeds of the same shall be paid out and expended for the purposes for which the same are issued, upon vouchers certified by said public service commission. Said bonds shall be free from all taxation for city and county purposes, and shall be payable at maturity out of a sinking fund to be established and created out of the annual rentals or revenues of said road, including galleries, ways, subways, or tunnels for subsurface structures, as hereinbefore provided. But this provision that the said bonds shall be payable out of such sinking fund shall not diminish or affect the obligation of said city as a debtor upon said bonds, or any other right or remedy of any holder or owner of any such bonds, to collect the principal or interest thereof.

§ 3. Subdivision two of section thirty-seven of said chapter, as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, and by chapter eight hundred and eighty-eight of the laws of nineteen hundred and eleven,<sup>5</sup> is hereby amended to read as follows:

2. The amount of bonds authorized to be issued and sold by this section shall not exceed the limit of amount which shall be prescribed by the board of estimate and apportionment or such other local authority having power to make appropriations of moneys to be raised by taxation; and no contract for the construction of such road or roads shall be made unless and until such board of estimate and apportionment or such other local authority shall have consented thereto and prescribed a limit to the amount of bonds available for the purposes of this section which shall be sufficient to meet the requirements of such contract in addition to all obligations theretofore incurred and to be satisfied from such bonds. Before finally fixing the terms and conditions of any contract for any of the purposes contained and set forth in this act except where there is an extraordinary emergency involving danger to life or property or where the estimated expense of a contract does not exceed ten thousand dollars,<sup>6</sup> the public service

<sup>5</sup> See foot note 3, p. 1457, ante.

<sup>6</sup> Words "except where there is an extraordinary emergency involving danger to life or property or where the estimated expense of a contract does not exceed ten thousand dollars," new.

commission shall set a date or dates for a public hearing upon the proposed terms and conditions thereof, at which citizens shall be entitled to appear and be heard. No such hearing shall be held, however, until notice thereof shall have been published for at<sup>7</sup> least two weeks immediately prior thereto in the City Record, or other official publication of the city, and at least twice in two daily newspapers published in the city. It shall be the duty of the commission to cause as many copies of a draft of the proposed contract to be printed at least two weeks in advance of such hearing as may be necessary. The said notice of such public hearing shall state where copies of such drafts may be obtained upon payment of a fee, to be fixed by said commission, but not to exceed one dollar for each such copy. The commission may, after the hearing to be held as above required, alter, modify or amend such draft contract in any manner in its discretion.

Copies of  
proposed  
contract.

Alteration  
of proposed  
contract.

§ 4. Subdivision two of section thirty-nine of said chapter, as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, and by chapter two hundred and five of the laws of nineteen hundred and ten, and by chapter two hundred and twenty-six of the laws of nineteen hundred and twelve,<sup>8</sup> is hereby amended to read as follows:

§ 39,  
subd. 2, as  
amended  
by L. 1909,  
ch. 498,  
amended.

2. The word "property," hereinafter used, shall be deemed to include any such real estate, and any rights, terms and interest therein, and any such rights, privileges, franchises and easements, whether of owners, abutting owners or others. Where any contractor for the construction or operation of such railroad shall require any property for such construction and operation, such property shall be deemed to be required for a public purpose; and with the approval of the public service commission the same may be acquired by the said contractor in all respects as such property may be acquired by the public service commission for the said city, and all proceedings to acquire the said property shall be conducted under the direction and subject to the approval of the commission. It shall be the duty of the commission whenever any property which the city shall have acquired as provided in this act shall be unnecessary for rapid transit purposes, to sell and convey the same in behalf of said city, provided, however, that no such sale or conveyance shall be made except with the

Term  
property  
defined.

Acquisition  
of property  
by con-  
tractor.

Sale of  
unnecessary  
property.

<sup>7</sup> Word "at" substituted for word "a."

<sup>8</sup> Section 39 was added by L. 1894, ch. 752, and amended by L. 1895, ch. 519, L. 1896, ch. 729, L. 1901, ch. 587, L. 1904, ch. 564, and L. 1906, ch. 472. Subd. 2 was not amended by L. 1910, ch. 205, or L. 1912, ch. 226.

approval of the commissioners of the sinking fund of such city or, if there be no commissioners of the sinking fund, then the other board or public body thereof having power to sell or lease city property, and provided further that the proceeds of any such sale or conveyance shall, under the direction of the public service commission, be applied either to the purchase of other property necessary for rapid transit purposes or shall be applied in all respects as the payments of rental to be made by the contractor as provided in this act. <sup>9</sup>Whenever the city shall have acquired any rights, terms, interests, easements or privileges in or to any real estate as provided in this act and shall have thereafter acquired such real estate in fee, such rights, terms, interests, easements or privileges shall be deemed to be merged in such fee estate; and whenever any rights, terms, interests, easements or privileges which the city shall have acquired as provided in this act in or to any real estate shall be unnecessary for rapid transit purposes, the commission may sell and release the same in behalf of said city to the owner of such real estate, provided, however, that no such sale or release shall be made \*except with the approval of the commissioners of the sinking fund of such city or such other board or public body thereof having power to sell or lease city property. Whenever any property shall be sold as provided in this act, the grant or conveyance may contain such terms, conditions, provisos and limitations as the said commission may deem proper, and the commission may in and by such grant or conveyance make such covenants and give such warranty in behalf of said city as the said commission may deem proper, including covenants as to the size, weight or character of building which any such rapid transit railroad for which an easement in said property is reserved will support. The commission may also in the case of any such sale or conveyance accept in part payment for the property sold a bond or other obligation to the city secured by purchase money mortgage on said property, such bond or other obligation and such mortgage to contain such terms and conditions as the commission may deem proper, including in the discretion of the commission provision for the payment of the amount of said bond or other obligation in installments.

Subd. 2a  
added to  
§ 39.

§ 5. Section thirty-nine of said chapter as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred

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\* So in original.

<sup>9</sup> Remainder of subdivision new.

and nine, and by chapter two hundred and five of the laws of nineteen hundred and ten, and by chapter two hundred and twenty-six of the laws of nineteen hundred and twelve,<sup>10</sup> is hereby amended by inserting after subdivision two of said section a new subdivision to be designated subdivision two-a, to read as follows:

2-a. The board of estimate and apportionment, or other analogous local authority of said city may, upon the requirement of the public service commission for the first district, establish the grade of any street or change the grade of any street for the purpose of constructing or operating a rapid transit railroad or its appurtenances. There shall be no liability to abutting owners for changing for such rapid transit purposes a grade once established by lawful authority, except where the owner of the abutting property has built upon or otherwise improved the property in conformity with such established grade, and such grade is changed after such building or improvements have been made. In such cases damages occasioned by such change of grade to such buildings and improvements shall be ascertained as hereinafter provided. A grade shall be deemed established by lawful authority within the meaning of this subdivision where it was originally adopted by the action of the public authorities, or where the street or avenue has been used by the public as of right for twenty years and been improved by the public authority at the expense of the public or of the abutting owners. In case the grade of any such street shall be changed for the purpose of constructing and operating a rapid transit railroad or its appurtenances and graded accordingly to the new grade, the public service commission for the first district shall transmit to the board of assessors, or other analogous authority of such city, charged with the duty of making assessments other than those required by law to be confirmed by a court of record, for local improvements for which assessments may be legally imposed in said city, a certificate stating that the grade of the street has been changed for the purpose of constructing and operating a rapid transit railroad or its appurtenances, and accompany such certificate with a plan indicating the original grade, the changed grade and the buildings or other improvements affected thereby. It shall be the duty of the said board of assessors, or other authority, to cause to be published at the expense of the commission in the City Record, or other official publication of the city, daily for two weeks, and in two daily

Establishment or change of grade of street.

Liability to abutting owners.

Established grade.

Transmission to assessors of certificate of change.

Notice of presentation of claims for injury.

<sup>10</sup> See foot note 8, p. 1459, ante.

newspapers published in the city, twice in each week for two weeks, immediately prior to said hearing, a notice which shall contain a request for all persons claiming to have been injured by the said change of grade, to present, in writing, to the secretary of the board of assessors, their claims. Such notice shall specify a place where, and a time when the said board of assessors, or other authority, will receive evidence and testimony of the nature and extent of such injury. After hearing and considering the said testimony and evidence, the said board of assessors, or other authority, shall make such awards for such loss and damage, if any, as it may deem proper. The proceedings and determination of the said board of assessors, or other authority, shall be subject to review by the board of revision of assessments, or other analogous authority of said city, as in the case of other awards of damages for change of grade of streets in such city. The said city shall, within four months after the making of any such award, pay to the respective parties entitled thereto the amount of such award, and in case of its neglect or failure to pay the same at the expiration of the said period, and after demand, it shall be lawful for the persons entitled to the same to sue for and recover the amount of their awards. In case any such award or compensation shall be paid to any person not entitled thereto, when the same ought to have been paid to some other person, it shall be lawful for the person to whom the same ought to have been paid to sue for and recover the same with interest and costs, as so much money had and received to his use by the person or persons respectively to whom the same shall have been so paid; provided that when the name or names of the owner or owners, party or parties, are not set forth in the report of the assessors, or where the said owners, parties or persons respectively being named therein shall be insane, a married woman under the age of twenty-one years, or absent from the city, or after diligent search cannot be found, or their title to receive such awards is disputed, it shall be lawful for the city to pay the sum mentioned in said report, or that would be coming to such owners, parties and persons respectively, to the chamberlain or other analogous official of said city to be secured, disposed of and invested as the supreme court shall direct, and such payments shall be as valid and effectual in all respects as if made to the said owners, parties and persons, respectively, themselves, according to their just rights, if they had been known, and had been persons of full age, single women, and of sound mind.

Awards.

Review of awards.

Payment and recovery of awards.

Recovery of award paid to person not entitled.

Payment of awards to chamberlain in certain cases.



§ 6. Subdivision four of section thirty-nine of said chapter as amended by chapter four hundred and ninety-eight of the laws of nineteen hundred and nine, and by chapter two hundred and five of the laws of nineteen hundred and ten, and by chapter two hundred and twenty-six of the laws of nineteen hundred and twelve,<sup>11</sup> is hereby amended to read as follows:

4. The commission may temporarily let or allow the use and occupation of any property acquired as provided in this act, and receive rent therefor between the time of the acquisition thereof and the time when the same shall be required for construction or operation of said road, or shall be sold as aforesaid, and in case of default of any tenant may prosecute any action or proceeding to recover possession of the premises let or used and occupied as aforesaid. <sup>Temporary lease of property acquired.</sup> <sup>Lease of property for term of years.</sup> <sup>Payment and application of rent.</sup> <sup>§ 39, subd. 4, as added by L. 1910, ch. 205, amended.</sup> <sup>12</sup>The commission may also, with the approval of the commissioners of the sinking fund of such city or, if there be no commissioners of the sinking fund, then the other board or public body thereof having power to sell or lease city property, lease any property acquired as provided in this act for the highest marketable rental at public auction or by sealed bids, and always after public advertisement for a period of at least fifteen days in the City Record, for such term not exceeding twenty-one years and upon such conditions as the said commission may deem proper, and may in the discretion of the commission provide in such lease for one renewal of not more than twenty-one years. All rent received for the use, occupation or lease of any such property<sup>13</sup> shall be paid to the comptroller or chief financial officer of such city, and shall be applied in like manner as the proceeds of sales of property acquired hereunder are directed to be applied in the second subdivision of this section.

§ 7. This act shall take effect immediately.

<sup>11</sup> Subd. 4 was added by L. 1910, ch. 205. Said subdivision was not amended by L. 1912, ch. 226.

<sup>12</sup> Following sentence new.

<sup>13</sup> Words "for the use, occupation or lease of any such property," new.



## Chap. 541.

AN ACT to amend chapter one hundred and sixty-four of the laws of nineteen hundred and seven, entitled "An act to incorporate 'The Queens Borough Public Library,' and to permit libraries in the borough of Queens of the city of New York to convey their property thereto, and limiting and defining the powers thereof," in relation to terms and appointment of trustees of such corporation.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1907,  
ch. 164,  
§ 3  
amended.

Section 1. Section three of chapter one hundred and sixty-four of the laws of nineteen hundred and seven, entitled "An act to incorporate 'The Queens Borough Public Library' and to permit libraries in the borough of Queens of the city of New York to convey their property thereto, and limiting and defining the powers thereof," is hereby amended to read as follows:

Organiza-  
tion.  
Trustees.

§ 3. The corporation shall organize by the adoption of by-laws and the election of officers. The by-laws shall provide for the terms of office of the trustees of the corporation, not to exceed the period of five years,<sup>1</sup> excepting that the mayor, comptroller and president of the board of aldermen of the city of New York, shall at all times be members of the board ex-officio.<sup>2</sup> The trustees shall hereafter be chosen<sup>3</sup> and vacancies occurring in such office filled by appointment by the mayor of the city of New York. The corporation shall have power from time to time to make such rules and regulations as the trustees thereof shall judge proper for the accomplishment of the objects of the corporation, for the election of officers, for prescribing their respective functions and the mode of discharging the same, for imposing and collecting dues, fines and contributions, for regulating the times and places of meetings, and generally for the management and direction of

Rules and  
regulations.

<sup>1</sup> Words "not to exceed the period of five years," new.

<sup>2</sup> Sentence omitted which read: "The by-laws shall also provide for the filling of vacancies."

<sup>3</sup> Remainder of sentence formerly read: "in such manner as the by-laws may direct, excepting that the selection of their successors by the corporation shall be subject to the approval of the mayor of the city of New York."

the affairs and concerns of the said corporation. The trustees shall have absolute control of the expenditure of all moneys appropriated by the city of New York for the maintenance of libraries conducted, or to be conducted by the corporation in the borough of Queens, and shall have the power to appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices during the pleasure of the trustees, but no trustee shall receive compensation as such, and the authority of the trustees to so make and regulate expenditures for maintenance, and their right to select, employ, fix salaries and discharge employees, shall be absolute under this act, any acts of the legislature of the state of New York to the contrary notwithstanding.

Expenditure  
of moneys.

Appoint-  
ment and  
salaries of  
employees.

§ 2. The terms of office of the trustees of the Queens Borough Public Library, the corporation mentioned in the chapter amended by this act, in office when this act takes effect, shall expire at the taking effect of this act, except that the trustees now in office shall continue to serve until the appointment of their successors by the mayor of the city of New York, as provided in the section amended by this act.

Terms of  
present  
trustees  
terminated

§ 3. This act shall take effect immediately.

## Chap. 542.

AN ACT to amend the insanity law, in relation to applications for a writ of habeas corpus.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section ninety-three of chapter thirty-two of the laws of nineteen hundred and nine, entitled "An act in relation to the insane, constituting chapter twenty-seven of the consolidated laws," is hereby amended to read as follows:

L. 1909,  
ch. 32,  
§ 93  
amended.

§ 93. Habeas corpus. Any one in custody as an insane person is entitled to a writ of habeas corpus, upon a proper application made by him or some friend in his behalf. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in

the case book, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any proper person, shall be sworn touching the mental condition of such person. <sup>1</sup>Where a second or subsequent application is made for the discharge from custody of the same patient, any party to the proceeding may introduce in evidence any testimony, in relation to the mental condition of such patient, received upon any former hearing or trial, together with all the exhibits introduced in evidence upon such hearing or trial in connection with such testimony without calling the witnesses who gave such testimony, such evidence to have the same force and effect as if such witnesses had been called.

§ 2. This act shall take effect immediately.

### Chap. 543.

AN ACT to amend the labor law, in relation to protecting employees working near switchboards.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 20b  
added to  
L. 1909,  
ch. 26.

Section 1. Chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the consolidated laws," is hereby amended by adding thereto, after section twenty-a thereof, a new section, to be section twenty-b,<sup>2</sup> to read as follows:

§ 20-b. Switchboards to be protected. All buildings having installed therein a switchboard of two hundred and twenty volts or over shall have, on the floor or upon such platform or other standing place as the switchboard may be located or attached, a rubber mat the length of the switchboard and of sufficient width to allow a person to walk or stand thereon while working at the switchboard or making tests.

§ 2. This act shall take effect immediately.

<sup>1</sup> Remainder of section new.

<sup>2</sup> A different § 20b is added by L. 1913, ch. 145, ante.

## Chap. 544.

AN ACT to amend the code of civil procedure, in relation to final orders upon an application for the discharge of a person imprisoned or restrained in his liberty.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty hundred and forty-three of article three, title two, chapter sixteen of the code of civil procedure, is hereby amended to read as follows: § 2043  
amended.

§ 2043. When discharge to be granted; when proceedings to cease. If it appears, that the prisoner is unlawfully imprisoned or restrained in his liberty, the court or judge must make a final order, discharging him forthwith. If it appears that he is lawfully imprisoned or detained, and is not entitled to be bailed, the court or judge must make a final order, dismissing the proceedings. <sup>1</sup>A final order made in a proceeding brought on behalf of a person imprisoned or detained in any of the state hospitals mentioned in section forty of the insanity law or in the Matteawan State Hospital or in the Dannemora hospital for insane convicts, shall be conclusive evidence, upon a hearing of any subsequent proceeding involving the detention of the same person, of all the facts determined by the court, unless such final order shall otherwise specify.

§ 2. This act shall take effect immediately.

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<sup>1</sup> Remainder of section new.

## Chap. 545.

AN ACT to amend the code of civil procedure, in relation to the filing of all papers in each action or proceeding in the same file, or bundle, and relative to the record on appeals to the court of appeals.

Became a law May 15, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1237  
amended.

Section 1. Section twelve hundred and thirty-seven of the code of civil procedure is hereby amended to read as follows:

§ 1237. Judgment-roll to be filed; of what it consists. The clerk, upon entering final judgment, must immediately file the judgment-roll, which must consist, except where special provision is otherwise made by law, of the following papers: the summons; the pleadings, or copies thereof; the final judgment, and the interlocutory judgment, if any, or copies thereof; and each paper on file, or a copy thereof, and a copy of each order, which in any way involves the merits, or necessarily affects the judgment. If judgment is taken by default, the judgment-roll must also contain the papers required to be filed, upon so taking judgment, or upon making application therefor; together with any report, decision or writ of inquiry, and return thereto. If judgment is taken after a trial, the judgment-roll must contain the verdict, report, or decision; each offer, if any, made as prescribed in this act, and the exceptions or case then on file.

<sup>1</sup>Upon an appeal to the court of appeals from a judgment or order of the appellate division of the supreme court, the opinion of the appellate division, if any, shall, for the purposes of the appeal, be deemed to be a part of the judgment-roll or appeal papers.

In effect  
Sept. 1,  
1913.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

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<sup>1</sup> Remainder of section new.

## Chap. 546.

AN ACT making an appropriation for the payment of the state's share of the expense of acquiring the bridge of the Stillwater Bridge Company crossing the Hudson river between the counties of Saratoga and Rensselaer.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying the state's share of the expense of acquiring the property of the Stillwater Bridge Company, owning a bridge crossing the Hudson river at Stillwater, between the counties of Saratoga and Rensselaer, when such bridge and the franchise of said company shall have been acquired pursuant to the provisions of sections two hundred and sixty-three to two hundred and sixty-seven of the highway law. Said sum shall be paid by the state treasurer upon the warrant of the comptroller when there shall be filed with him a certificate of the attorney-general that the title to said bridge company's property has been acquired under the provisions of the highway law.

§ 2. This act shall take effect immediately.

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## Chap. 547.

AN ACT making an appropriation for the payment of the state's share of the expense of acquiring the bridge of the Cohoes and Lansingburgh Bridge Company, crossing the Hudson river between the counties of Albany and Rensselaer.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby appro-

priated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying the state's share of the expense of acquiring the property of the Cohoes and Lansingburgh Bridge Company, owning a bridge crossing the Hudson river, and connecting the cities of Troy and Cohoes between the counties of Albany and Rensselaer, when such bridge shall have been acquired, pursuant to the provisions of sections two hundred and sixty-three to two hundred and sixty-seven of the highway law. Said sum shall be paid by the state treasurer upon the warrant of the comptroller, when there shall be filed with him a certificate of the attorney-general, that the title to said bridge company's property has been acquired under the provisions of the highway law.

§ 2. This act shall take effect immediately.

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## Chap. 548.

AN ACT making an appropriation for the payment of the state's share of the expense of acquiring the Union bridge crossing the Hudson river between the counties of Saratoga and Rensselaer.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying the state's share of the expense of acquiring the property of the Union Bridge Company owning a bridge crossing the Hudson river at Waterford, between the counties of Saratoga and Rensselaer, when such bridge and the franchise of said company shall have been acquired pursuant to the provisions of sections two hundred and sixty-three to two hundred and sixty-seven of the highway law. Said sum shall be paid by the state treasurer upon the warrant of the comptroller when there shall be filed with him a certificate of the attorney-general that the title to said bridge company's property has been acquired under the provisions of the highway law.

§ 2. This act shall take effect immediately.



## Chap. 549.

AN ACT making appropriations for the reconstruction, decorating and equipment of the state capitol; construction, equipment and decoration of the state education building; construction and equipment of the capitol power house; and for repairs, furnishings and equipment of the assembly chamber.

Became a law May 16, 1913, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of one million five hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury, not otherwise appropriated, for the reconstruction, decorating and equipment of the state capitol, to be expended under the direction of the trustees of public buildings pursuant to the provisions of chapter eight hundred and fifty-three of the laws of nineteen hundred and eleven.

Appropriation for reconstruction, decorating and equipment of capitol.

§ 2. The sum of eighteen thousand dollars (\$18,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for continuing the construction of the state education building, to be expended under the direction of the trustees of public buildings pursuant to the provisions of chapter six hundred and seventy-eight, laws of nineteen hundred and six, as amended by chapter thirty of the laws of nineteen hundred and eight.

Appropriation for construction of education building.

§ 3. The sum of ninety thousand dollars (\$90,000), or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for furnishing, equipment and decorating of the state education building at Albany, to include book stacks, book cases, lighting fixtures, furniture, and for such other expenses incidental thereto as may be necessary, to be expended under the direction of the trustees of public buildings pursuant to the provisions of chapter six hundred and seventy-eight of the laws of nineteen hundred and six, as amended by chapter thirty of the laws of nineteen hundred and eight, and the payment of such sums as may have been agreed to be paid under contracts for such purposes, entered into by the said trustees of public buildings under the authority of chapter

Appropriation for equipment and decorating of education building.

five hundred and thirteen of the laws of nineteen hundred and ten and chapter two hundred and thirty-three of the laws of nineteen hundred and eleven.

Appropriation for construction and equipment of power house.

§ 4. The sum of twenty-one thousand five hundred dollars (\$21,500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction and equipment of a power house, coal pockets and conduits for furnishing heat, light and power to the state capitol and education building at Albany, to be expended under the direction of the trustees of public buildings pursuant to the provisions of chapter thirteen of the laws of nineteen hundred and ten, in payment of such sums as may have been agreed to be paid under contracts for such purpose entered into by the said trustees under the authority of chapter three hundred and fifty-five of the laws of nineteen hundred and eleven.

Appropriation for repair and equipment of assembly chamber.

§ 5. The sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for repairs, furnishings and equipment of the assembly chamber in the state capitol at Albany, to be expended under the direction of the trustees of public buildings, payable by the state treasurer on the warrant of the state comptroller, upon the certificate of the state architect and the approval of the trustees of public buildings.

Contracts for reconstruction, decorating and equipment of capitol.

§ 6. The trustees of public buildings are hereby authorized to enter into contracts for the reconstruction, decorating and equipment of the state capitol and for such other expenses incidental thereto as may be necessary in an amount not to exceed in the aggregate one million five hundred thousand dollars (\$1,500,000), in addition to the sum of one million dollars (\$1,000,000) authorized by chapter five hundred and seventeen of the laws of nineteen hundred and twelve, and five hundred thousand dollars (\$500,000) authorized by chapter eight hundred and fifty-three of the laws of nineteen hundred and eleven.

§ 7. This act shall take effect immediately.

## Chap. 550.

AN ACT to provide for the institution of the New York battlefields commission for the battlefields of Gettysburg, Chattanooga and Antietam.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. That three civil war veterans shall be appointed by the governor of the state, and with the adjutant-general shall be known and distinguished as the New York monuments commission for the battlefields of Gettysburg, Chattanooga and Antietam, to determine the positions and movements of the several New York organizations engaged in those battles of the civil war, and to erect such memorials, monuments and markers upon such battlefields as may be required from time to time, as directed by the acts of the legislature of this state. This commission shall have all the powers and perform all the duties heretofore conferred upon the New York monuments commission for Gettysburg and Chattanooga, and all subsidiary commissions composed of members of that commission, and which commission is hereby abolished. The said commission shall report annually its work, receipts and expenditures, to the governor and legislature.

§ 2. The commission so formed and created shall possess all the powers hitherto granted to the commissions created pursuant to chapter four hundred and sixty-six of the laws of eighteen hundred and eighty-six, chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty-seven, chapter seven hundred and twenty-six of the laws of eighteen hundred and ninety-three, chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-four, chapter three hundred and seventeen of the laws of eighteen hundred and ninety-five, and chapter two hundred and twenty-seven of the laws of nineteen hundred and twelve, and all sums of money and all appropriations hitherto made by the legislature under said chapters, and special appropriations for other monuments or memorials erected by this commission on other battlefields or historical grounds or lands, and now in the hands of the state comptroller or state treasurer, shall be transferred to an account or fund which shall be designed.

Commission.

Duties.

Monuments commission for Gettysburg and Chattanooga abolished.

Annual report.

Commission to possess powers of certain other commissions.

Transfer of appropriations.

Fund.

nated and known as the account or fund of the New York monuments commission for the battlefields of Gettysburg, Chattanooga and Antietam; and all balances of moneys on hand in the possession of the chairman of former commissions, and belonging to such commissions, and which have been drawn from the state comptroller or state treasurer, shall be transferred to the state comptroller and the state treasurer to be placed to the credit of the fund designated and known as the fund of the New York monuments commission for the battlefields of Gettysburg, Chattanooga and Antietam, and which fund shall only be applied to such uses and purposes as are defined and required under the present act, and chapter four hundred and sixty-six of the laws of eighteen hundred and eighty-six, chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty-seven, chapter seven hundred and twenty-six, laws of eighteen hundred and ninety-three, chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-four, chapter three hundred and seventeen, laws of eighteen hundred and ninety-five, and chapter two hundred and twenty-seven, laws of nineteen hundred and twelve.

Payments,  
how made.

And all sums of money so credited to the New York monuments commission shall be paid out by the state comptroller and state treasurer only upon vouchers from individuals or corporations for work actually performed, such vouchers to be duly certified by the chairman of the commission. No moneys appropriated to or for the uses of this commission or any state moneys shall be held in any manner by the chairman or other member of this commission.

Moneys  
not to be  
held by  
members.

Fiftieth  
anniversary  
of battle  
of Gettys-  
burg.

§ 3. The commission hereby constituted shall take and have charge of the celebration of the fiftieth anniversary of the battle of Gettysburg, as provided under chapter two hundred and twenty-seven, laws of nineteen hundred and twelve.

Notification  
of appoint-  
ments;  
meeting  
for organi-  
zation.

§ 4. The governor shall duly notify such commissioners of their appointment on this commission. Thereafter such commissioners shall meet as speedily as possible for organization, being called to order by the senior member.

Inconsist-  
ent acts.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

## Chap. 551.

AN ACT to amend the tenement house law, generally.

Became a law May 16, 1913, with the approval of the Governor. Passed,  
three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seven of chapter ninety-nine of the laws of nineteen hundred and nine, constituting chapter sixty-one of the consolidated laws and known as the tenement house law, is hereby amended to read as follows:<sup>1</sup>

§ 7. Tenement houses located at the corner of two streets one of which passes under the other. In the case of a tenement house hereafter erected on a corner lot formed by the intersection of one street passing under another street, the measurements for determining the height of said house and the number of its stories, may be taken on said highest street; provided, however, that no part of said building which is below the curb level of said highest street is occupied for living purposes, except by the janitor of said building and his family; and provided also that all tiers of beams below the curb level on the highest street, as well as the first tier of beams above such curb level, shall be iron or steel or reinforced concrete with fireproof filling; and provided, also that all inside stairs below such curb level shall be fireproof and shall be enclosed with eight-inch brick walls with fireproof self-closing doors at top and bottom of each flight, and such stairs shall not be located under each other; and provided also that adequate egress from all apartments shall be had to the street of the highest level.

§ 2. The section number of section fifteen of said chapter is hereby changed so as to be known as section fourteen thereof.

§ 3. The said chapter is hereby amended by adding a new section thereto to be known as section fifteen thereof and to read as follows:

§ 15. Means of egress. Every tenement house hereafter erected, both fireproof and non-fireproof, exceeding one story in height shall have at least two independent ways of egress which shall extend from the ground floor to the roof, and shall be located remote from each other, and shall be separated from each other by walls. One of such ways of egress shall be a flight of stairs con-

<sup>1</sup> Section materially amended.

structed and arranged as provided in sections eighteen to twenty-two inclusive of this chapter. The other way of egress shall be directly accessible at each story to each apartment without having to pass through the first way of egress. Such other way of egress may be any one of the following, as the owner may elect:

1. A system of outside fire-escapes constructed and arranged as provided in section sixteen of this chapter.

2. An additional flight of stairs, either inside or outside, constructed and arranged as provided in sections eighteen to twenty-two inclusive of this chapter.

3. A fire-tower constructed and arranged as provided in section twenty-two-a of this chapter.

§ 16, as  
amended  
by L. 1909,  
ch. 354,  
and L. 1912,  
ch. 454,  
amended.

§ 4. Section sixteen of said chapter as amended by chapter three hundred and fifty-four of the laws of nineteen hundred and nine and by chapter four hundred and fifty-four of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 16. Fire-escapes. 1. All fire-escapes hereafter erected upon tenement houses shall be located, arranged and constructed as follows:

Such fire-escapes <sup>2</sup>shall open directly from at least one room or private hall in each apartment at each story above the ground floor, other than a bathroom or water-closet compartment, and shall not include the window of a stair hall, and such room or private hall shall be an integral part of said apartment and accessible to every room thereof without passing through a public hall. Access to fire-escapes shall not be obstructed in any way. No fire-escape shall be placed in a court except where required by law for apartments not having a room either on the street or yard as provided in section fifty-six of this chapter. Fire-escapes may be located in an unenclosed recess in the front of a tenement house hereafter erected, provided that such recess is used solely for fire-escape purposes and does not exceed five feet in depth from the extreme front wall of the building and has not less than seventy-five per centum of its superficial area open to the street and is not roofed over or enclosed at the top. Such recess shall not be counted as part of the unoccupied area of the lot, nor construed as a court. Fire-escapes may project into the public highway to a distance not greater than four feet beyond the building line. All fire-escapes shall consist of outside open iron

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<sup>2</sup> Section to here materially amended.

or stone balconies and stairways. All balconies shall be not less than three feet in width and shall include at least one window or outside door of each apartment, at each story above the ground floor. All stairways shall be placed at an angle of not more than sixty degrees, with flat open steps not less than six inches in width and twenty inches in length and with a rise of not more than nine inches. The openings for stairways in all balconies shall be not less than twenty-one by twenty-eight inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street, shall be provided with a stairs or with a gooseneck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop ladder shall be provided from the lowest balcony of sufficient length to reach to a safe landing place beneath. All fire-escapes shall be constructed and erected to safely sustain in all their parts a safe load, and if of iron shall receive not less than two coats of good paint, one in the shop and one after erection. In addition to the foregoing requirements, all fire-escapes hereafter erected upon tenement houses shall be constructed in accordance with such supplementary regulations as may be adopted by the department charged with the enforcement of this chapter.

2. Every non-fireproof tenement house exceeding one story in height erected prior to April eighteenth, nineteen hundred and twelve,<sup>3</sup> shall be provided either with fireproof outside stairways, or with fire-escapes directly accessible to each apartment without passing through a public hallway.<sup>4</sup> The owner of every tenement house shall keep all the fire-escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of good paint. No person shall at any time place any incumbrance of any kind before or upon any such fire-escape.

3. Fire-escapes on existing houses. In the case of tenement houses erected prior to April tenth, nineteen hundred and one, fire-escapes that are already erected shall be deemed sufficient in the following cases:

1. If located on the front or rear wall of the building and properly connected with stairs or stationary ladders with proper openings.

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<sup>3</sup> Words "exceeding one story in height erected prior to April eighteenth, nineteen hundred and twelve," new.

<sup>4</sup> Sentence omitted which read: "All fire-escapes hereafter erected on any tenement house shall be located and constructed as described in subdivision one of this section."



2. If located in an outer court at a point distant not more than thirty feet from the outer end of such court and provided such court is not less than five feet in width from wall to wall at any point between such fire-escape and the outer end of said court.

3. If located in an inner court whose least horizontal dimension is not less than fifteen feet measured from wall to wall.

4. If a party-wall balcony on the front or rear wall of the building and there are no doors or openings in the walls between the two buildings other than windows in fire-proof air-shafts.

5. If a party-wall balcony located in an outer court not more than fifteen feet in length measured from the outer end of such court to the innermost point thereof, and not less than five feet in width from wall to wall at any point between such fire-escape and the outer end of said court, and provided also that there are no doors or openings in the walls between the two buildings other than windows in fireproof air-shafts.

6. If the fire-escapes are located on tenement houses that are less than four stories in height and which also do not contain accommodations for more than four families in all, and they are such iron, steel or wire-cable fire-escapes as <sup>5</sup>have been approved by the department charged with the enforcement of this chapter, under authority of law.

But, however, no fire-escape shall be deemed sufficient unless the following conditions are complied with:

a. All parts of it shall be of iron or stone.

b. Every apartment above the ground floor in each tenement house shall have a fire-escape directly accessible to it without passing through a public hall.

c. All balconies shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than twenty-one by twenty-eight inches, except in the case of a party-wall balcony as prescribed in groups four and five of this subdivision.

d. All fire-escapes shall have proper drop ladders from the lowest balcony of sufficient length to reach a safe landing place beneath.

e. All fire-escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or to the adjoining premises.

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<sup>5</sup> Remainder of subd. 6 formerly read: "are provided for in subdivision one of this section."

f. Prompt and ready access shall be had to all fire-escapes, which shall not be obstructed by bath tubs, water-closets, sinks or other fixtures, or in any other way.

All fire-escapes that are already erected which do not conform to the requirements of this subdivision may be altered by the owner to make them so conform in lieu of providing new fire-escapes, but no existing fire-escape shall be extended or have its location changed except with the written approval of the department charged with the enforcement of this chapter. Where an existing apartment in a tenement house erected prior to April tenth, nineteen hundred and one, is located entirely on a court and has no rooms opening on the street or yard, fire-escapes hereafter provided for such apartments may be located in courts under the same conditions as prescribed for existing fire-escapes in this subdivision. All new ladders that are provided for existing fire-escapes shall be constructed in accordance with such regulations as may be adopted by said department.

4. Whenever a<sup>6</sup> tenement house is not provided with sufficient means of egress in case of fire, the department charged with the enforcement of this chapter may order such additional fire-escapes or other means of egress as in its judgment may be necessary.

§ 5. Subdivision one of section twenty-two of said chapter as amended by chapter four hundred and fifty-four of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 22. **Stair halls.** 1. The stair halls in all non-fireproof as well as fireproof tenement houses hereafter erected shall be constructed as in this section and the following section specified. In tenement houses hereafter erected which either are occupied or are arranged to be occupied by more than two families on any floor, or which exceed four stories and cellar in height, the stair halls shall be constructed of fireproof material throughout. There shall be no wood or other inflammable material of any kind in such halls, except that handrails of hard wood and hard wood treads not less than two inches thick may be provided. All windows on stair halls shall in addition to being fireproof be glazed with good quality wire glass, <sup>7</sup>but this shall not apply to such windows opening on the street, in the case of tenement houses not exceeding six stories in height. The risers, strings and banisters

§ 22,  
subd. 1,  
as amended  
by L. 1912,  
ch. 454,  
amended.

<sup>6</sup> Word "non-fireproof" omitted.

<sup>7</sup> Remainder of sentence new.

shall be of metal or stone. The treads shall be of metal, slate or stone, or of hard wood not less than two inches thick. Hand-rails to stairs shall be provided and, if wooden, shall be constructed of hard wood. The floors of all such stair halls shall be constructed of iron or steel beams and fireproof filling, or of reinforced concrete constructed in accordance with the rules and regulations of the superintendent of buildings,<sup>8</sup> and no wooden flooring or sleepers shall be permitted. In tenement houses hereafter erected which do not exceed four stories and cellar in height and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls shall either be constructed of iron beams and fireproof filling, or of reinforced concrete as above provided,<sup>9</sup> or shall be filled in between the floor beams with at least five inches of cement deafening. In such houses the stairs shall be iron, concrete<sup>10</sup> or stone, or may be of wood, provided the soffits are covered with metal lath and plastered with two coats of mortar, or with good quality plaster-boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well pointed.

§ 24  
amended.

§ 6. Section twenty-four of said chapter is hereby amended to read as follows:

§ 24. **First tier of beams.** In all non-fireproof as well as fireproof tenement houses hereafter erected five stories or more in height, exclusive of the cellar, the first floor above the lowest cellar, or, if there be no cellar, above the lowest story, shall be constructed fireproof with iron or steel beams and fireproof flooring; and the bottom flanges and all exposed portions of such iron or steel beams below the abutments of the floor arches or filling shall be entirely encased with hard-burnt clay or porous terra cotta or with metal lath properly secured and plastered on the under side.<sup>11</sup> Reinforced concrete floor construction constructed in accordance with the rules and regulations of the superintendent of buildings may be used in lieu of such iron or steel beams. In all non-fireproof tenement houses hereafter erected less than five stories in height where the first floor above the lowest cellar, or, if there be no cellar, above the lowest story, is not constructed fireproof

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<sup>8</sup> Words "or of reinforced concrete constructed in accordance with the rules and regulations of the superintendent of buildings," new.

<sup>9</sup> Words "or of reinforced concrete as above provided," new.

<sup>10</sup> Word "concrete" new.

<sup>11</sup> Following sentence new.

as above provided<sup>12</sup> the cellar ceiling of said tenement house shall be lathed with metal lath and plastered thereon with two coats of brown mortar of good materials, or shall be covered with plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well pointed.

§ 7. Section fifty of said chapter is hereby amended to read <sup>§ 50</sup> <sub>amended.</sub> as follows:

§ 50. **Percentage of lot occupied.** No tenement house hereafter erected shall occupy, either alone or with other buildings, except as otherwise provided in section fifty-eight, subdivisions one and two of this chapter, a greater percentage of the area of the lot than as follows:

(a) In the case of a corner lot not more than ninety per centum;

(b) In the case of an interior lot which exceeds ninety feet in depth and does not exceed one hundred and five feet in depth, not more than seventy per centum;

(c) In the case of an interior lot which exceeds one hundred and five feet in depth, not more than sixty-five per centum;

Provided <sup>13</sup>that the space occupied by fire-escapes of the size hereinbefore prescribed shall not be deemed a part of the lot occupied. For the purposes of this section the measurements shall be taken at the ground level, except that where such a building has no basement, and the cellar ceiling is not more than two feet above the curb level, the measurements as to percentage of lot occupied may be taken at the level of the second tier of beams. The provisions of this section shall not apply to a tenement house hereafter erected running through from one street to another street, provided that the lot on which it is situated does not exceed one hundred feet in depth.

§ 8. Section fifty-four of said chapter is hereby amended to <sup>§ 54</sup> <sub>amended.</sub> read as follows:

§ 54. **Yards of corner lots.** The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part, provided that where such lot is less than one hundred feet in depth, the depth of the yard may be not less than ten per centum of the depth of such lot, but shall never be less than five feet in every part, nor less than the minimum width of an outer court on the lot line as prescribed by

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<sup>12</sup> Words "as above provided," substituted for words "with iron or steel beams and fireproof flooring."

<sup>13</sup> Section to here materially amended.

section fifty-seven, subdivision one, of this chapter. Where a tenement house hereafter erected on a corner lot has no basement and the cellar ceiling is not more than two feet above the curb level, said yard may start at the level of the second tier of beams. Where a corner lot is more than fifty feet in width, the yard for that portion in excess of fifty feet shall conform to the provisions of section fifty-three of this chapter. <sup>14</sup>In the case of a gore-shaped corner lot where the width of the lot at the rear lot line is greater than the width at the front and the average width of the lot does not exceed fifty feet, the average width through the center shall be taken for the purposes of the aforesaid provision.

§ 54a  
added.

§ 9. The said chapter is hereby amended by adding a new section thereto to be known as section fifty-four-a thereof, and to read as follows:

§ 54-a. **Retaining walls in yards and courts.** Whenever the department charged with the enforcement of this chapter shall certify that because of temporary conditions of differences in grade with abutting lots at the rear or side, and that it is necessary to protect the adjoining premises by building retaining walls; and whenever said department shall be satisfied that permission cannot be obtained to build such retaining walls on the abutting premises, and that reasonable efforts have been made to obtain such permission, the said department may permit the building of retaining walls on the premises on which the tenement house is to be erected without having such walls considered as reducing the minimum sizes of yards or courts required by this article, nor as reducing the percentage of lot permitted to be occupied, provided that such retaining walls do not encroach upon such minimum dimensions of yards or courts more than twenty-four inches, nor extend in height above the first story window sills and provided further that there are no living rooms below such first story window sills except those necessary for the janitor and his family, and provided also that no such walls shall encroach upon a court if there are living rooms of any kind either for the janitor or any one, opening on such court below the level of such window sills.

§ 56  
amended.

§ 10. Section fifty-six of said chapter is hereby amended to read as follows:

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<sup>14</sup> Remainder of section new.

§ 56. Courts. No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed, except as hereinafter otherwise provided, and shall conform to the requirements of sections fifty-seven, fifty-eight and fifty-nine; provided, that an apartment not containing any room fronting upon the street or yard shall have a fire-escape in a court, projecting not more than four feet from the wall of the house. Such fire-escape shall directly connect at the bottom of such court with a fireproof passageway, not less than three feet wide and seven feet high, leading <sup>15</sup>to the street.

§ 11. Section fifty-seven of said chapter as amended by chapter four hundred and fifty-four of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 57, as  
amended  
by L. 1912,  
ch. 454,  
amended.

§ 57. Outer courts. 1. Where one side of an outer court is situated on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height shall not be less than six feet in any part; and for every twelve feet of increase or fraction thereof in height of the said building, such width shall be increased six inches throughout the entire height of said court; and for every twelve feet of decrease in the height of the said building below sixty feet, such width may be decreased six inches. Wherever an outer court exceeds sixty-five feet in length and does not extend from the street to the yard, the entire court shall be increased in width one foot for every additional thirty feet or fraction thereof in excess of sixty-five feet. But such measurement shall not prohibit one offset, the length of which does not exceed its width. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which also are not occupied or arranged to be occupied by more than eight families in all, exclusive of the janitor's family,<sup>16</sup> or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, the width of an outer court situated on the lot line shall not be less than four feet in any part provided that the length of such outer court does not exceed thirty-six feet. <sup>17</sup>Except also that in tenement houses hereafter erected not exceeding five stories and cellar in

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<sup>15</sup> Words "in a straight and direct line," omitted.

<sup>16</sup> Words "exclusive of the janitor's family," new.

<sup>17</sup> Remainder of subd. 1 new.



height and which also are not occupied or arranged to be occupied by more than ten families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also the yard is not less than fifteen feet in depth, the width of an outer court situated on the lot line shall not be less than five feet in any part measured to the lot line, nor less than ten feet measured to the nearest opposite wall, and provided further that the length of such outer court does not exceed fifty feet.

2. Where an outer court is situated between wings or parts of the same building, or between different buildings on the same lot, the width of the said court, measured from wall to wall, for tenement houses sixty feet in height shall not be less than twelve feet in any part; and for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased one foot throughout the entire height of the said court; and for every twelve feet of decrease in the height of the said building below sixty feet, such width of the said court may be decreased one foot. Wherever an outer court exceeds sixty-five feet in length, the entire court shall be increased in width two feet for every additional thirty feet or fraction thereof in excess of sixty-five feet. Except that in tenement houses hereafter erected not exceeding four stories and cellar in height and which also are not occupied or arranged to be occupied by more than eight families in all, exclusive of the janitor's family,<sup>18</sup> or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, the width of an outer court situated between wings or parts of the same building, or between different buildings on the same lot, measured from wall to wall, shall be not less than eight feet in any part provided that the length of said outer court does not exceed thirty-six feet.<sup>19</sup> Except also that in tenement houses hereafter erected not exceeding five stories and cellar in height and which also are not occupied or arranged to be occupied by more than ten families in all, exclusive of the janitor's family, or by more than two families on any floor, and in which also each apartment extends through from the street to the yard, and in which also the yard is not less than fifteen feet in depth, the width of an outer court between

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<sup>18</sup> Words "exclusive of the janitor's family," new.

<sup>19</sup> Remainder of subd. 2 new.



wings or parts of the same building, or between different buildings on the same lot, measured from wall to wall, shall be not less than ten feet in any part, and provided further that the length of such outer court does not exceed fifty feet.

3. Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, the length of such portion of said court shall never exceed the width of said portion; such length to be measured from the point at which the change of direction commences. Wherever an outer court is less in depth than the minimum width prescribed by this article, then its width may be equal to, but not less than its depth, provided that such width is never less than four feet in the clear. This exception shall also apply to each offset or recess in outer courts. And no window except windows of water-closet compartments, bathrooms or halls shall open upon any offset or recess less than six feet in width.

§ 12. Section fifty-nine of said chapter as amended by chapter four hundred and fifty-four of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 59, as  
amended  
by L. 1912,  
ch. 454,  
amended.

§ 59. Outer and inner courts. Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as preventing the cutting off of the corners of said courts, provided that the running length of the wall at the angle of the court does not exceed seven<sup>20</sup> feet. Except that in outer or inner courts of a less size than the minimum prescribed for tenement houses sixty feet in height, the running length of the wall containing windows in the angles of said courts shall not exceed four feet. Nothing in this section contained shall be construed so as to permit the reduction of any inner court by cutting off the corners thereof when such court is less than eight feet in width, measured from the lot line to the opposite wall of the building. In construing said sections the height of the building is to be measured from the curb level to the top of the highest wall inclosing or forming such court <sup>21</sup>except that a parapet wall extending not more than three feet above the top of the roof beams, shall not be included in such measurements in the case of tenement houses not exceeding six stories in height. When a tenement house hereafter erected exceeding three stories

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<sup>20</sup> Formerly "six."

<sup>21</sup> Remainder of sentence new.

in height has no basement and the cellar ceiling is not more than two feet above the curb level, the courts mentioned in the three preceding sections may start at the level of the second tier of beams. Where an inner court starts at the second tier of beams, unless the bottom of the court is at that level and an intake is there provided as prescribed by section fifty-eight, subdivision three, of this chapter, a portion of such court shall be left unbuilt upon, and shall communicate directly with the intake required by section fifty-eight, subdivision three, of this chapter. Where one side of such court is situated on the lot line, the unbuilt upon portion shall have a minimum width and length equal to the minimum width of the court; where such court is not situated upon the lot line, the unbuilt upon portion shall have one dimension equal to the minimum width of the court and the other dimension shall be not less than one-half that width. Nothing in this section contained shall be construed so as to permit any room without a window opening on the street or yard or on a court in every part of the dimensions prescribed in the foregoing sections. Where a court starts at the level of the second tier of beams in whole or in part, and the bottom of said court is a skylight over a store or hall, proper access to the top of said skylight shall be provided, and said skylight shall be so arranged as to be easily cleaned.

§ 68, as  
amended  
by L. 1912,  
ch. 454,  
amended.

§ 13. Section sixty-eight of said chapter as amended by chapter four hundred and fifty-four of the laws of nineteen hundred and twelve is hereby amended to read as follows:

§ 68. **Windows for stair halls, size of.** In every tenement house hereafter erected the aggregate area of windows to light or ventilate stair halls shall be at least eighteen square feet for each floor. There shall be provided for each story at least one of said windows, which shall be at least two and a half feet wide and five feet high, measured between the stop beads, <sup>22</sup>except that a stair-hall window which opens on the street may be four feet high. On the top story a ventilating skylight will be accepted in lieu of a window for that story. A sash door shall be deemed the equivalent of a window in this section and sections sixty-six and sixty-seven of this chapter, provided that such door contains the amount of glazed surface prescribed for such windows.

§ 90  
amended.

§ 14. Section ninety of said chapter is hereby amended to read as follows:

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<sup>22</sup> Remainder of sentence new.

§ 90. **Basements and cellars.** 1. In tenement houses hereafter erected no room in the cellar or in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

a. Such room shall be at least nine feet high in every part from the floor to the ceiling. Provided, that in buildings already erected and not now used as tenement houses but hereafter altered or converted to such use, such room shall be not less than seven feet high in every part.

b. The ceiling of such room shall be in every part at least four feet and six inches above the curb level of the street in front of every part of such room, when such room or the apartment containing it is located in the front part of the building; when, however, such room or the apartment containing it is located in the rear of the building, the ceiling thereof shall be not less than two feet above the curb level of the street in front of the building, and the yard and courts upon which such room or apartment opens shall extend to a point below the floor level of said room, as prescribed in section ninety-one of this chapter. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard. There shall be not more than one apartment in any cellar and this shall contain not more than five rooms and bath, which shall not open upon any court less than five feet six inches in width,<sup>23</sup> and shall be occupied solely by the janitor and his family, and no other rooms in the cellar shall be occupied for living or sleeping purposes. No part of such apartment shall be located more than twenty-five feet distant from the inner line of the front or rear wall of the building, as the case may be.

c. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section ninety-three of this chapter.

d. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width, by means of a vertically sliding pulley-hung sash, and the under side of the top stop-bead of each window shall be within twelve inches of the ceiling. No such window shall be less than twelve square feet in area between the stop-beads.

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<sup>23</sup> Words "which shall not open upon any court less than five feet six inches in width," new.

e. All walls surrounding such room shall be damp-proof.

f. The floor of such room shall be damp-proof and water-proof.

2. Every tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors damp-proof and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as the ground level and shall be continued throughout the floor, and the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in such tenement houses shall be properly lighted and ventilated to the satisfaction of the department charged with the enforcement of this chapter.

§ 15. This act shall take effect immediately.

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## Chap. 552.

AN ACT to amend the public health law, in relation to cleanliness in the preparation and service of food.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Art. 17a  
added to  
L. 1909,  
ch. 49.

Section 1. Chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended by adding after article seventeen thereof, a new article to be article seventeen-a, to read as follows:

### ARTICLE 17-a.

#### CLEANLINESS IN THE PREPARATION AND SERVICE OF FOOD.

Section 343-a. Cleanliness in the preparation and service of food.

343-b. Powers of the state commissioner of health.

343-c. Penalties.

§ 343-a. Cleanliness in the preparation and service of food. A person or corporation engaged in the preparation and sale of food in any hotel, public restaurant, public dining-room, dining-car or steamboat in this state or an officer of any public, penal

or charitable institution in this state, shall not use in the preparation or service of any food utensils, dishes or other containers which have not been previously cleansed in a sanitary manner. In such cleansing the use of water which has become unsanitary by previous use is prohibited.

§ 343-b. **Powers of the state commissioner of health.** The state commissioner of health is hereby vested with full power and authority to inspect and supervise all public places in this state above enumerated in which food is prepared, sold or served. Such commissioner or his duly authorized agents or employees shall be permitted access to the kitchens of all hotels, public restaurants, public dining-rooms, dining-cars and steamboats in this state and to the kitchens of all public, penal and charitable institutions in this state for the purpose of ascertaining whether the provisions of this article are being observed and he may adopt such rules and regulations as may be determined upon from time to time for the proper enforcement of this article. The state commissioner of health may appoint and designate from time to time persons to make the inspections authorized by this article.

§ 343-c. **Penalties.** Any person or corporation, or officer thereof, violating any of the provisions of this article shall be guilty of a misdemeanor. The conviction of any corporation shall not relieve any officer or officers, agents or employees of such corporation from prosecution under the provisions of this article.

§ 2. This act shall take effect September first, nineteen hundred and thirteen.

In effect  
Sept. 1,  
1913.

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## Chap. 553.

AN ACT abolishing the office of commissioner of jurors of the county of Rensselaer and conferring his powers and duties on the county clerk of such county.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The office of commissioner of jurors of the county of Rensselaer, established by chapter five hundred and fifty-seven of the laws of eighteen hundred and ninety-four, is hereby abolished, and the term of office of the commissioner of jurors of

such county in office when this act takes effect shall thereupon terminate. All the powers and duties of the commissioner of jurors of the county of Rensselaer, as prescribed by law, shall hereafter be exercised and performed by the county clerk of such county, as a part of the powers and duties of his office, without additional compensation therefor.

§ 2. This act shall take effect immediately.

# Chap. 554.

AN ACT to amend the judiciary law, in relation to confidential clerks to supreme court justices in the sixth judicial district.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

New  
subd. 5  
added to  
L. 1909,  
ch. 35,  
§ 279.

Section 1. Section two hundred and seventy-nine of chapter thirty-five of the laws of nineteen hundred and nine, entitled "An act in relation to the administration of justice, constituting chapter thirty of the consolidated laws," is hereby amended by inserting in place of subdivision five, repealed by chapter one hundred and eighteen of the laws of nineteen hundred and twelve, a new subdivision five, to read as follows:

Salaries in  
sixth dis-  
trict,  
how fixed.

5. Each of the clerks to the justices of the supreme court in the sixth judicial district shall receive an annual salary to be fixed by the justice appointing him, of not to exceed eighteen hundred dollars, to be paid by the comptroller of the state in equal quarterly payments, upon the certificate of such justice. Such salaries shall be a charge upon such judicial district.

Charge on  
district.

§ 279,  
subd. 7  
amended.

§ 2. Subdivision seven of section two hundred and seventy-nine of such chapter is hereby amended to read as follows:

Salaries in  
seventh  
district,  
how fixed.

7. Each of the clerks to the justices of the supreme court in the<sup>1</sup> seventh judicial district<sup>2</sup> shall receive an annual salary, to be fixed by the justice appointing him, of not to exceed twelve hundred dollars, to be paid by the comptroller of the state in equal quarterly payments, upon the certificate of said justice. Such salaries shall be a charge upon said<sup>3</sup> judicial district.<sup>2</sup>

Charge on  
district.

§ 3. This act shall take effect immediately.

<sup>1</sup> Words "sixth and" omitted.  
<sup>2</sup> Formerly "districts."  
<sup>3</sup> Word "respective" omitted.

## Chap. 555.

AN ACT to amend the penal law, in relation to converting military property and unlawful use of name of military or naval organization.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section fourteen hundred and eighty-four of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended to read as follows:

L. 1900,  
ch. 88,  
§ 1484  
amended

§ 1484. **Converting military property; unlawfully wearing uniform; unlawful use of name of military or naval organization, or unit thereof.**<sup>1</sup> 1. Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the national guard, or in any manner pawn or pledge any arms, uniforms or equipments, issued under the provisions of the military law; or,<sup>2</sup>

2. Any<sup>3</sup> person not a member of the national guard, except members of organizations specially authorized to do so by the military law, who shall wear any uniform or designation of grade similar to those in use by the national guard, issued or authorized under the provisions of said law;<sup>4</sup> or,

3. Any person, society or corporation who shall, with intent to acquire or obtain for personal or business purposes a benefit or advantage, assume, adopt or in any manner use the name of a regiment, battalion, battery, squad, troop, division, company or other unit of any military or naval organization constituting a part of the national guard or naval militia of the state of New York, or of any society, association or other organization, or a part thereof, whether incorporated or unincorporated, that has been recognized by the commanding officer of such military or naval organization as a society or association of its veterans or ex-mem-

<sup>1</sup> Words "unlawful use of name of military or naval organization, or unit thereof," new.

<sup>2</sup> Word "or" substituted for word "and."

<sup>3</sup> Word "Any" substituted for word "A."

<sup>4</sup> Words "is guilty of a misdemeanor," omitted. Remainder of section new.



bers, or who shall assume or adopt a name so nearly resembling it as to be calculated to deceive the public with respect to any such military or naval organization, or any such society, association or other organization, or a part thereof, of its veterans or ex-members, without first having obtained the written consent of the commanding officer of such military or naval organization,

Is guilty of a misdemeanor.

Whenever there shall be an actual or threatened violation of any of the subdivisions of this section, an application may be made to a court or justice having jurisdiction to issue an injunction, upon notice to the defendant of not less than five days, for an injunction to enjoin and restrain said actual or threatened violation; and if it shall appear to the satisfaction of the court or justice that the defendant is in fact violating any of the subdivisions of this section, or is threatening to do so, an injunction may be issued by such court or justice enjoining and restraining such actual or threatened violation without requiring proof that any person has in fact been misled or deceived or otherwise injured thereby.

§ 2. This act shall take effect immediately.

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## Chap. 556.

AN ACT to amend the tax law, in relation to the manner of payment by gas companies and companies engaged in the business of supplying natural gas.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 62,  
§ 40, as  
amended  
by L. 1912,  
ch. 271,  
amended.

Section 1. Sections forty and sixty of chapter sixty-two of the laws of nineteen hundred and nine, entitled "An act in relation to taxation, constituting chapter sixty of the consolidated laws," as amended by chapter two hundred and seventy-one of the laws of nineteen hundred and twelve,<sup>1</sup> are hereby amended to read respectively as follows:

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<sup>1</sup> L. 1912, ch. 271, amends § 40, but not § 60.

§ 40. Assessors to apportion valuation of railroad, telegraph, telephone,<sup>2</sup> pipe line, or gas<sup>3</sup> companies and of special franchises among school and special districts. The assessors of each town in which a railroad, telegraph, telephone,<sup>2</sup> pipe line company, or gas company, including a company engaged in the business of supplying natural gas,<sup>4</sup> is assessed by them, upon property lying in more than one school district therein or in one or more special districts therein in which a tax is levied for district purposes, shall, prior to the final completion of the roll pursuant to section thirty-nine of this chapter, apportion the assessed valuation of the property of each of such corporations among such school and special districts. Such apportionments shall be entered by the assessors in the appropriate column of the assessment-roll and a certificate thereof signed within five days thereafter, and thereupon the valuations so apportioned shall become the valuations of such property in such districts for the purpose of taxation. In case of failure of the assessors to act, the supervisors of the town shall make such apportionment on request of either the trustee of any school district or the officers of any special district or of the corporation assessed. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year. The assessors of each town in which an assessment has been made by the state board of tax commissioners in gross, upon a special franchise, lying in more than one school or other special district therein, shall within fifteen days after the receipt by the town clerk of the certified statement of the equalized valuation of such special franchise, as provided in section forty-five-a of this chapter, apportion the assessed valuation of each special franchise among such school and special districts. The apportionment shall be signed by the assessors or a majority of them and be filed, within five days thereafter, with the clerk of the board of supervisors and a duplicate thereof shall be filed with the town clerk. Such apportionments shall be entered by the board of supervisors at their annual meeting in the appropriate column of the assessment-roll for each town before the warrant is annexed thereto. The valua-

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\* So in original.

<sup>2</sup> Word "or" omitted.

<sup>3</sup> Words "or gas" new.

<sup>4</sup> Words "or gas company, including a company engaged in the business of supplying natural gas," new.

tions so apportioned shall be the valuations of the special franchise in such school and special districts for the purpose of taxation. The town clerk shall furnish the trustees of school districts a certified statement of the valuations apportioned to their respective districts. Provided, however, that the valuations of special franchises as determined by the state board of tax commissioners and included in the town assessment rolls completed and filed in the town clerk's offices for the year nineteen hundred and eleven shall be taken by the boards of assessors as the basis of the apportionment for school district purposes for the levy of any school taxes which may be made prior to the receipt by the town clerk of the statement of the assessments of special franchises as finally fixed and equalized for the year nineteen hundred and twelve.

§ 60  
amended.

§ 2. Section sixty of such chapter is hereby amended to read as follows:

§ 60. **Statement of taxes upon certain corporations by clerk of supervisors.** The clerk of each board of supervisors shall, within five days after the tax warrant is completed, deliver to the county treasurer a statement showing the names, valuation of property and the amount of tax of every railroad corporation and telegraph, telephone and electric light line and gas company including a company engaged in the business of supplying natural gas<sup>5</sup> in each tax district in the county, and on refusal or neglect so to do, shall forfeit to the county the sum of one hundred dollars, to be sued for by the district attorney in the name of the county.

§ 3. This act shall take effect immediately.

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## Chap. 557.

AN ACT to amend the village law, in relation to supervision and extension of water works system.

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two hundred and twenty-four of chapter sixty-four of the laws of nineteen hundred and nine, entitled "An

L. 1909,  
ch. 64,  
§ 224  
amended.

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<sup>5</sup> Words "and gas company including a company engaged in the business of supplying natural gas," new.

act relating to villages, constituting chapter sixty-four of the consolidated laws," is hereby amended to read as follows:

§ 224. **Supervision and extension of system.** A system of water-works acquired or established under this article shall be under the control and supervision of the board of water commissioners. The board shall keep it in repair and may, from time to time, extend the mains or distributing pipes within the village, if the expense thereof in any year in a village of the fourth class shall not exceed five hundred dollars, in a village of the third class one thousand dollars, in a village of the second class fifteen hundred dollars, and in a village of the first class two thousand dollars. If the estimated expense will exceed the above amount, such extension can only be made when authorized by a proposition adopted at an election. A board may, in lieu of extending the mains or distributing pipes, use the amount above specified, or a part thereof, in improving, bettering or perfecting the existing system, such as mains, reservoir, pumping station, filter and lands; <sup>1</sup>but where a village of the second class supplies two or more other villages with water, through a system of distributing pipes, in such villages, owned and controlled by it, the board of water commissioners of such village, may expend for extensions of distributing pipes of its system in any year the sum of fifteen hundred dollars in addition to the foregoing amount.

§ 2. This act shall take effect immediately.

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## Chap. 558.

AN ACT to amend the military law, in relation to armories.<sup>1a</sup>

Became a law May 16, 1913, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections twenty and twenty-two of chapter forty-one of the laws of nineteen hundred and nine, entitled "An act in relation to the militia, constituting chapter thirty-six of the con-

L. 1909,  
ch. 41,  
§§ 20, 22  
amended.

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<sup>1</sup> Remainder of section new.

<sup>1a</sup> The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

solidated laws," are hereby amended to read, respectively, as follows:

§ 20. **Armory commissions.** Whenever any arsenal, armory or other quarters of the militia, camp-ground or rifle-range is owned or leased by the state or by the United States for the use of the organized militia of the state, the same shall be under the charge of an armory commission. When any such property is devoted to the use of the national guard or naval militia, the commission in charge thereof, except as hereinafter provided, shall consist of the major general, the adjutant-general of the state, the commanding officer of the naval militia and the commanding officer of the brigade whose headquarters are within the district where such property is located.

When any such property is devoted to the general use of the organized militia, the commission in charge thereof shall consist of the major-general, the adjutant-general of the state, the commanding officer of the naval militia and the commanding officers of all of the brigades, and such commission is hereby authorized to appoint and at its pleasure remove a secretary, inspectors and such other employees as may be necessary and fix their compensation, and such persons so employed shall act for all armory commissions herein created. The office, traveling and other expenses of the commissions and employees herein provided for and the compensation of said employees shall be a charge against the appropriations which annually shall be made by the legislature for the repairs and improvements and betterments of the state arsenals, armories, camp-grounds and rifle-ranges and for necessary office and travelling expenses of the commissions provided for in this chapter.

From the time this chapter takes effect, a commission so constituted shall take charge of the erection and completion, alteration, repair, enlarging, renting and equipping of all such armories or other property as may hereafter be authorized, and of all such property the erection or completion, alteration, repair, enlarging and equipping of which is in progress at the time this chapter takes effect under any general or special law; and as to such work as is in progress, such commission is hereby invested with all the powers conferred by law on any officers, boards or commissions theretofore charged with such work or any part thereof.

It shall keep in good repair the arsenals, armories, quarters, camp-grounds and rifle-ranges in its charge, and all moneys ap-

propriated heretofore or which may be appropriated hereafter for the erection, repair, alteration, enlarging or equipment of such buildings, grounds and ranges shall be expended by the commission in charge thereof in the same manner as other moneys appropriated for military or naval purposes are authorized to be expended, except as herein otherwise provided.

The state architect shall perform such services as may be required by the armory commissions.

When expenditures not exceeding one hundred dollars are necessary, the officer in charge of the building or grounds shall report to the armory commission what is required to be done, submitting estimates from at least two responsible parties, and the armory commission may authorize the officer to cause the work to be done, designating the party who shall do the work. When expenditures which will amount to more than one hundred but not more than five hundred dollars are required, a full statement of the necessity thereof must be made by the officer in charge to the armory commission, who shall cause estimates of the cost of the work to be prepared by two or more parties, have them examined by an architect or inspector employed by the commission and then cause the work to be done under a contract entered into by it for that purpose. When expenditures are to be made which will exceed five hundred dollars, the commission shall advertise for proposals, bids shall be received, and contracts regularly entered into.

During, and upon the completion of the work, the expenditure for which will exceed five hundred dollars, it shall be inspected from time to time by an inspector employed by the commission, and payment shall not be made until it appears by the certificate of such inspector that such work has been properly performed and according to the provisions of the contract.

Expenditures which do not exceed five hundred dollars shall only be made upon a like certificate of the inspector or of the officer in charge of the building or grounds where the work is performed.

Copies of all contracts and agreements made for material or work in connection with arsenals, armories, quarters, camp-grounds or rifle-ranges of the state shall immediately be filed in the office of the comptroller of the state, who shall be the auditor of the accounts of the commissions herein provided for.

Whenever any real property, except in the city of New York, is taken for the purpose of erecting a state armory thereon, the

buildings on such property or the old materials in the same, may be sold by the armory commission at public or private sale, for the best price that can be obtained, and if the property is taken by the state the net sum realized therefrom shall be paid into the state treasury, to the credit of the armory commission of the brigade district in which the property is located, and if taken by a county, to the county treasurer of such county for the use of the county.

When real property shall be required for the purpose of a state camping ground, or for rifle practice, or other military or naval purposes deemed necessary by the armory commission, and such armory commission is unable to agree with the owners for the purchase thereof, title thereto shall be acquired by the attorney-general in the name of the people of the state by condemnation, on the written application of the armory commission. The cost of all real property so taken, and damages and expenses incurred, by and awarded in any proceedings for the condemnation of any such property, shall be paid by the state.

The words "armory commission" when used in this chapter shall be construed to refer to the commissions provided for by this section.

§ 22. **Audit and payment of accounts.** No officer of the militia shall incur any expense whatsoever to be paid by the state, except such as are authorized in this chapter, without first obtaining the authority of the governor; in extreme emergencies, however, the commanding officer of any organization or detachment of the active militia may make purchases of such necessities as are absolutely required for the immediate use and care of his command; a report of such action, containing a statement of the articles purchased and the price thereof, must be made forthwith through the channel to the adjutant-general of the state. The comptroller of the state shall be the auditor of all accounts for property purchased by the adjutant-general of the state and copies of the orders or contracts under which such purchases are made, shall be filed in his office. All other military or naval accounts payable by the state, except as otherwise provided, shall be audited by the adjutant-general of the state. Military and naval accounts thus audited, shall be paid by the treasurer of the state from the proper appropriation made by the legislature, upon the warrant of the comptroller.

§ 2. Article nine of such chapter is hereby amended by insert-



ing therein, immediately preceding section one hundred and eighty thereof, five new sections, to be sections one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight and one hundred and seventy-nine, to read, respectively, as follows:

§ 175. **Definition of armory.** The word armory whenever used in this article shall include any building or portion thereof, quarters or accommodations devoted to the use of the organized militia, including suitable stable and stabling accommodations.

§ 176. **Brigade districts.** For the purpose of constructing, renting, altering, repairing, enlarging, equipping, furnishing and maintaining armories outside of the city of New York for the use of the organized militia, the territory of the state outside of the city of New York shall be divided into two districts, one to be known as the third brigade district and the other as the fourth brigade district. For said purposes, the third brigade district shall be composed of and comprise the following named counties: Albany, Broome, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester, and the fourth brigade district shall be composed of and comprise the following named counties: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Livingston, Madison, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, Yates.

§ 177. **Expenses of armories, equipment and maintenance, a charge on the counties of the brigade district in which located.** The expenses of erecting, altering, repairing, enlarging, renting, equipping, furnishing and maintaining armories including providing camp stools and chairs of a sufficient number, telephone service, lavatories, bath, water and wash closets, and the necessary apparatus, fixtures and means for heating, lighting and ventilating armories and for properly preserving the arms, uniforms, harness, wagons, equipments, books, papers, records and furniture kept therein and the construction of suitable lockers, closets, gun racks, desks and cases, and the compensation of all employees authorized by this chapter and the purchase of all tools, utensils, materials, supplies, appliances and facilities necessary for the cleaning, care,

proper keeping, maintenance and preservation of the armory or portion thereof used or occupied by the organizations therein quartered or the arms, uniforms, equipments, books, papers, records and furniture used and kept by said organization in such armory, shall be a charge upon the counties composing the brigade district within the bounds of which is located any arsenal or armory occupied by the national guard or naval militia, and, when apportioned as in this chapter provided, shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid.

§ 178. **Ascertaining, apportioning and collecting funds for armory purposes.** The officers required to approve the annual estimates of officers in charge and control of armories outside of the city of New York shall annually, during the month of September in each year, file, with the armory commission of the brigade district in which such armories are located, a certificate, showing the amounts required by the several armories of the district for the next fiscal year. The armory commission shall, during the month of September in each year, determine the amount required for the next fiscal year for the construction, alteration, repair, enlargement, renting and equipping armories within said brigade district. The amount so certified to the commission and the amount so determined by it for the purposes aforesaid shall be a charge upon the several counties of the brigade district and, during the month of October of each year, shall be by said armory commission apportioned among such counties according to the aggregate amount of assessment for each county within the brigade district as fixed by the state board of equalization. The armory commission shall, during the month of October in each year, certify to the comptroller of the state the amount each county within said brigade district shall pay and also the amounts required for the maintenance of each armory of the brigade district and to what county treasurers such amounts are to be transmitted when collected, and the amount to be retained by the state treasurer to the credit and subject to the order of the armory commission of the district. On or before the first day of November of each year, the comptroller shall mail to the county clerk and to the chairman and clerk of the board of supervisors of each county a statement of the amount each county shall pay and such amount so certified to the several counties shall be a portion of the county charges of each of such counties and shall be levied and collected

and paid as other county charges are levied, collected and paid. Such amounts shall be paid by the several county treasurers into the treasury of this state on or before the fifteenth day of May following, to be held by the treasurer and disbursed by him as follows: On or before the first day of June in each year the comptroller shall draw his warrants on the state treasury in favor of the several county treasurers of the brigade district, for the amount required for the maintenance of each armory of the brigade district as certified to him by the armory commission and the amounts required shall be transmitted to the several county treasurers designated by the armory commission to receive the same, which amounts shall be expended for the maintenance of the several armories as provided for in this chapter. The amount raised for the construction, alteration, repair, enlargement, renting and equipping armories within each district shall be paid upon the warrant of the comptroller, upon the certificate of the armory commission for the purposes hereinabove specified. The armory commission in preparing its certificate to be presented to the comptroller shall deduct from the amount required by the estimate of the officer in charge and control of any armory, as approved, such balance as the treasurer of the county where such armory is located may have certified to be in his hands to the credit of such armory maintenance fund remaining from the appropriation of the preceding fiscal year. The fiscal year, for the purposes of this chapter, shall begin on the first day of July and end on the thirtieth day of June of the succeeding year.

§ 179. **Armory commission to furnish armories.** Whenever it shall appear by the certificate of the commanding officer of the national guard or of the naval militia that an organization of his command has at least the minimum number of enlisted men established by law who legally can be required to perform the duties prescribed thereby, the armory commission of the brigade district in which such organization is located, shall, upon the demand of the commanding officer of such organization of the national guard approved by the colonel of the corps of engineers or the ranking officer commanding the artillery district, or the commanding officer of the separate squadron or battalion or the commanding officer of the regiment to which such organization belongs or is attached, together with the approval of the chief of coast artillery or commanding officer of the brigade to which such organization belongs or is attached and the commanding officer of the national

guard, or in case such organization of the national guard shall not belong or be attached to a battalion, regiment or brigade, with the approval of the commanding officer of the national guard alone, and in case of the naval militia upon the demand of the commanding officer of the organization thereof, approved by the commanding officer of the battalion to which it belongs or is attached and of the commanding officer of the naval militia, or if such organization is not part of a battalion upon the approval of the commanding officer of the naval militia alone, erect or rent and equip, within the boundaries of such brigade district, for the use of such organization, a suitable and convenient armory, drill room and place of deposit for the safe keeping of the arms, equipment, accoutrements, uniforms and military property furnished under the provisions of this chapter. The size, suitability and convenience of such armory, drill room, place of deposit and the suitability and convenience of the equipment shall be determined by the commanding officer of the brigade to which the organization of the national guard demanding such armory belongs or is attached, or by the major-general if the organization of the national guard is not attached to a brigade, or in the case of the naval militia by the commanding officer thereof. The erection, repairs, alterations and equipment of all buildings or accommodations erected or rented at the expense of a brigade district shall be made under the direction and supervision of an inspector appointed by the armory commission of the brigade district. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.

§§ 180-182  
amended.

§ 3. Sections one hundred and eighty, one hundred and eighty-one and one hundred and eighty-two of such chapter are hereby amended to read as follows:

§ 180. **Armories and headquarters; how provided for or constructed.** Whenever the armory commission shall deem it expedient that an armory be provided for the use of one or more organizations of the national guard or naval militia or for a brigade, regimental, separate battalion or squadron headquarters, the armory commission of the brigade district in which such organization or organizations or headquarters is located shall, except when such accommodation is provided in a state arsenal, erect or rent and equip in such brigade district a suitable and convenient armory or provide suitable accommodations and equipment for such headquarters. Whenever in the opinion of the officer in charge and

control of any armory or headquarters, the same shall be unfit for use as an armory or headquarters, he may make complaint to the armory commission; such commission forthwith shall make or cause to be made an examination of such armory or headquarters, and, if after such examination the commission shall decide that such armory or headquarters is unfit for use, it shall immediately direct the alteration, repair, enlargement or abandonment of the same, and, in case of an abandonment, provide another suitable armory or headquarters. Headquarters when provided shall be deemed for all purposes an armory within the meaning of that word whenever used in this chapter. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.

§ 181. **Armories to be altered, repaired and equipped by armory commission.** In case expenditure is required for altering, repairing or enlarging any armory or for equipping the same with apparatus for heating, lighting or ventilating, lavatories, bath, water or wash closets or for lockers, gun racks or closets and other appliances and facilities, the necessity for such expenditure may be certified to the armory commission by the officer in charge and control of the armory or the officer in command of the organization to be quartered therein. If the armory commission shall approve such expenditure, it shall cause the work to be performed or the material to be furnished or the accommodations to be provided. The armory commission shall cause to be inspected all work performed and materials or articles furnished or quarters provided pursuant to such certificate and no money shall be paid for such work, materials, articles or quarters until the armory commission shall certify that such work has been properly performed and said materials and supplies are of proper quality and workmanship and such quarters suitable and adequate. This section shall not apply to armories owned by the city of New York.

§ 182. **Headquarters for regiments and battalions composed of divisions, separate troops or companies.** The armory commission shall, when practicable, provide in state arsenals or armories headquarters for regiments composed of separate troops, batteries or companies, and for battalions, and squadrons not parts of regiments composed of separate troops, batteries or companies and quarters for the field and staff officers, the non-commissioned staff officers and detachments attached to such organizations. Whenever it shall appear

to the armory commission of the third or fourth brigade districts that headquarters or quarters cannot be provided in a state arsenal or armory for the organization, officers, non-commissioned staff officers or detachments hereinbefore specified it shall be the duty of the armory commission of the brigade district in which said headquarters or quarters is, or is to be located, to provide, upon the demand of the commanding officer of the organization requiring such headquarters or quarters, approved by the commanding officer of the brigade to which such organization is attached or the major-general, or the commanding officer of the naval militia, suitable and convenient headquarters or quarters. Headquarters or quarters, when provided, shall be deemed for all purposes an armory within the meaning of that word whenever used in this chapter, and the other provisions of this article, except as herein modified, shall apply to said headquarters and quarters. The expenses for rent, heat, light, water supply and telephone service shall not exceed annually the sum of seven hundred dollars for the headquarters of a regiment; four hundred and fifty dollars for the headquarters of a battalion or squadron not part of a regiment; three hundred dollars for other quarters. An armorer may be appointed for such headquarters or quarters who shall receive compensation to be fixed by the officer appointing him at not exceeding the following sum annually: For the headquarters of a regiment, five hundred dollars; for the headquarters of a battalion or squadron, not part of a regiment, four hundred dollars; for other quarters, two hundred dollars.

§ 185, as  
amended  
by L. 1912,  
ch. 296,  
amended.

§ 4. Section one hundred and eighty-five of such chapter, as amended by chapter two hundred and ninety-six of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 185. **Acquisition of sites and additional lands for armories by boards of supervisors.** The board of supervisors of any county in which any state armory is now to be built or is hereafter required to be erected for the use of the active militia in such county, is authorized and required upon the requisition of the armory commission to purchase a suitable site for the erection of such armory, to be approved by the armory commission, the title to which shall be taken in the name of and be vested in the people of this state. The board of supervisors of any county in which any state armory now is, shall, on like requisition purchase such lands adjoining the site of such armory as the armory com-



mission may deem proper; a description of such lands shall be filed by the armory commission with the board of supervisors of such county, and the title thereto shall be taken in the name of and be vested in the people of this state. If such board is unable to agree for the purchase of such site or such adjoining lands with the owners thereof, the chairman of such board shall acquire title to such property in the name of the people of the state under the condemnation law,<sup>2</sup> and such board, when notified by its chairman that any land has been purchased or acquired pursuant to law, shall appropriate such sums as shall be necessary for the payment of the purchase price or cost of such property, together with the cost of acquiring the title thereto, and for the grading, filling, excavating, draining, laying sidewalks, fencing such property, providing sewer and water connections, which shall be charges against said county and shall be levied, collected and paid as are other county charges. The board of supervisors may, by resolution, authorize the issuance and sale of bonds of the county for paying the purchase price or cost of such property, together with the cost of improving the same as herein mentioned and the cost of acquiring the title thereto.

Whenever any real property is taken for the purpose of erecting a state armory thereon, the buildings on such property or the old materials in the same, may be sold by the armory commission at public or private sale for the best price that can be obtained and the net sum realized therefrom shall be paid to the county treasurer of said county for the use of the county.

§ 5. Section one hundred and eighty-six of such chapter, as amended by chapter one hundred and two of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 186, as  
amended  
by L. 1911,  
ch. 102,  
amended.

§ 186. **Control of armories.** Where a regiment, field hospital, ambulance company, company of signal corps, troop, battery, separate division or the headquarters of the division or a brigade or a battalion not part of a regiment occupies a portion of an armory or arsenal, such headquarters and quarters shall each be considered an independent armory upon the approval and the certificate of the commanding officer of the brigade to whose command the organization occupying such armory belongs or of the major-general for organizations attached to the headquarters of the division. The armory of the corps of engineers shall be under the

<sup>2</sup> Code of civil procedure, §§ 3357-3384.



charge and control of the colonel thereof; armories of the signal corps shall be under charge and control of the senior signal officer quartered therein; the armory of a field hospital or ambulance company shall be under the control of the medical officer commanding it. The armory of every other regiment or corps or of the unit or units thereof quartered therein shall be under the charge and control of the senior line officer thereof quartered therein.

Commanding officers shall deposit in the armories provided for their organizations all military property received by them from time to time for the use of their respective commands. The adjutant-general of the state, the major-general, the commanding officer of the naval militia, the commanding officers of brigades, and any officer detailed by any one of them, shall at all times have access to all parts of all armories. On the application of one or more posts of the Grand Army of the Republic, or other veteran organization of honorably discharged union soldiers, sailors or marines of any war of the United States, or sons of such veterans, approved by the commanding officers of the brigade of the national guard in whose jurisdiction armories, the property of the state are located, and the officer in charge of such armory, subject also to the approval of the adjutant-general of the state and under such restrictions as he may prescribe, the officer in charge of any state armory designated by the adjutant-general of the state shall provide a proper and convenient meeting room or rooms in such armory where such posts or other veteran organizations may hold regular and special meetings, without the payment of any expense therefor.

§ 187, as  
amended  
by L. 1911,  
ch. 102,  
amended.

§ 6. Section one hundred and eighty-seven<sup>3</sup> of such chapter, as amended by chapter one hundred and two of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 187. **Armorers, janitors, engineers and electricians.** There shall be allowed for each armory, and for the headquarters of the division, the naval militia and of each brigade, one armorer. If an armory be heated by steam there shall be allowed one chief engineer and also one assistant engineer if the commanding officer of the brigade to whose command the organization occupying such armory belongs or the major-general or the commanding officer of the naval militia as the case may be shall approve

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<sup>3</sup> Section 187 is amended by L. 1913, ch. 206, ante. The amendments effected by said ch. 206 are not incorporated in § 187 as here amended.

the employment of an assistant engineer; in an armory occupied by a regiment and lighted by electricity produced by machinery operated by the power of steam; if such steam is generated and machinery operated within such armory, there shall be allowed on like approval, an additional assistant engineer; in an armory occupied by the coast artillery, an electrician, if the chief of coast artillery and the officer having charge and control of the armory shall certify that the services of an electrician are necessary; there shall also be allowed for an armory occupied by a regiment, by a battalion or squadron not part of a regiment, by a battery, by a troop, by a company of signal corps, by a field hospital, by an ambulance company or by two or more separate batteries or companies, one janitor; and the armorer, the engineer, the electrician and the janitor thus authorized shall be appointed by the officer having control and charge of the armory. Where a field hospital, an ambulance company, a company of signal corps, troop, battery, separate division, or the headquarters of the division, headquarters of the naval militia, of a brigade, of a regiment or of a battalion not part of a regiment, occupies a portion of an armory or state arsenal, each shall be entitled to an armorer, and such field hospital, ambulance company, company of signal corps, troop, battery, separate division or headquarters of the division or the naval militia shall also be entitled to a janitor, who shall be appointed by its respective commanding officer, and such headquarters and quarters shall be considered an independent armory, upon the approval and certificate of the major-general, the commanding officer of the naval militia or commanding officer of the brigade to whose command the organization occupying such armory belongs. All persons appointed or employed pursuant to this or the succeeding section shall perform such duties as shall from time to time be prescribed by the officer appointing or employing them.

§ 7. Section one hundred and eighty-eight of such chapter, as amended by chapter nineteen of the laws of nineteen hundred and ten, and chapter one hundred and two of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 188, as amended by L. 1910, ch. 19, and L. 1911, ch. 102, amended.

§ 188. **Laborers.** To provide for the proper care and cleanliness of armories and arsenals and of the property therein deposited, the officer having control and charge of an armory or arsenal may appoint laborers as follows: For armories or arsenals having ten thousand square feet or less of floor surface,

one laborer; when the floor surface exceeds twenty thousand square feet, two laborers; and for each twenty thousand in excess of twenty thousand, an additional laborer; boiler and engine rooms, unused cellar rooms and rooms used for employees' quarters shall not be included in computing such floor surface. In an armory occupied by coast artillery, and to each armory occupied by a battery or an organization of the signal corps in addition to the above, one expert laborer, competent to care for artillery or signal implements, instruments and equipment. For all armories in addition to the above there shall be allowed one laborer to each ten horses or mules therein stabled and used for military purposes by the organization quartered therein, and in armories where more than thirty horses or mules are so stabled and used, two additional laborers. In armories of the quartermaster corps and field artillery, in addition to the foregoing, there shall be allowed one laborer for said corps and for each battery of field artillery, for the care of field artillery, harness and equipment. Before any such appointment is made, the necessity for the employment of such laborer or laborers shall be certified by the commanding officer of the division, of the naval militia or of the brigade, as the case may be, and such certificate shall be filed in the office of the disbursing officer of the county in which the armory or arsenal is situated. A certificate of the number of feet of floor surface of each armory or arsenal in which laborers are appointed shall be made by the engineer of the division or the brigade and approved by the commanding officer of the division, of the naval militia or brigade to whose command the organization quartered in such armory or arsenal belongs and filed in the office of the disbursing officer of the county in which the armory or arsenal is located, except as to counties wholly or partly within the city of New York, when it shall be filed with the comptroller of said city.

§ 189, as amended by L. 1911, ch. 102, and L. 1912, ch. 242, amended.

§ 8. Section one hundred and eighty-nine of such chapter, as amended by chapter one hundred and two of the laws of nineteen hundred and eleven, and chapter two hundred and forty-two of the laws of nineteen hundred and twelve, is hereby amended to read as follows:

§ 189. **Compensation of employees in armories.** The persons appointed under the provisions of the two preceding sections shall receive compensation for the time actually and necessarily employed in their duties, to be fixed by the officer appointing such persons as follows: When employed in armories or arsenals, ar-

morers, janitors, electricians and engineers not to exceed four dollars per day. An armorer, janitor, electrician, engineer or laborer appointed by the commanding officer of an organization located in a city who under orders duly issued by such officer performs the whole or any part of his duties outside the limits of such city shall receive the compensation provided for an armorer, janitor, electrician, engineer or laborer employed in an armory, located in such city; laborers not to exceed three dollars per day. An armorer employed in an arsenal or armory having two hundred thousand or more square feet of floor surface and occupied by a regiment may in the discretion of the officer appointing, receive compensation not to exceed five dollars per day. The chief engineer in an armory having over two hundred thousand square feet of floor surface occupied by a regiment and lighted by electricity produced by machinery operated within such armory, may receive not to exceed five dollars per day. The compensation, as certified to by the officer appointing such persons, under the provisions of the two preceding sections, shall be paid semi-monthly upon the certificate of such officer, and shall in counties outside the city of New York be a charge upon the counties constituting the brigade district and within the city of New York upon the county in which such armory or arsenal is situated; and shall be levied, collected and paid in the same manner as other brigade district or county charges are levied, collected and paid. A commissioned officer in active service shall not be eligible for appointment to, and shall not hold the position of armorer, janitor, electrician, engineer or laborer in any armory or arsenal. The appointing officer shall grant to each employee a vacation of fourteen days per year with pay.

§ 9. Sections one hundred and ninety-three, one hundred and ninety-four and one hundred and ninety-five of such chapter are hereby amended to read, respectively, as follows: §§ 193-195 amended.

§ 193. **Annual estimate for maintenance.** The officer in charge and control of an armory outside of the city of New York shall, on or before the first day of September in each year, prepare and submit for approval to the commanding officer of the brigade to which his organization is attached, otherwise to the major-general, and, in case of an organization of the naval militia, to the commanding officer of the naval militia, an itemized estimate in quadruplicate, of the necessary expenditures to be made for labor and the utensils, materials, means and supplies necessary and required

for the next fiscal year for the cleaning, care, proper keeping, maintenance and preservation of the armory or portion thereof used or occupied by the organization therein quartered, the repairing of the lavatories, bath, wash and water closets, and the apparatus and fixtures for heating, lighting and ventilating said armory, and the heating, lighting, water supply and telephone service in and for said armory and the utensils, means, materials and supplies necessary and required for the care, proper keeping, maintenance, repair and preservation of the arms, uniforms, harness, wagons, equipments, books, papers, records and furniture used and kept by such organization in said armory and the camp stools, chairs, desks, cases, and the tools, appliances, facilities and furnishings necessary for and required in such armory. The expenses above enumerated shall be deemed the cost of maintenance within the provisions of this chapter. Upon the approval of such estimate, it shall be filed as follows: One copy with the adjutant-general of the state; one with the officer approving the same; one with the armory commission and one at the armory. The amounts included in such estimate and appropriated as by this chapter required shall be expended upon the requisition of the officer in charge and control of the armory as follows: Expenditures not exceeding one hundred dollars, upon the approval of the county treasurer or other fiscal officer of the county having custody of the funds to be disbursed thereunder; expenditures exceeding one hundred dollars and not exceeding five hundred dollars, upon the requisition of the officer in charge and control of said armory, accompanied with written proposals for furnishing the articles, materials or property or performing the work required from at least two responsible parties, upon receiving which said treasurer or other fiscal officer shall purchase such articles, materials or property from, or cause such work to be performed by, the lowest responsible bidder; expenditures exceeding five hundred dollars, upon the requisition of the officer in charge and control of said armory as follows: Said county treasurer or other fiscal officer shall publicly advertise for ten days for sealed proposals for furnishing the articles, materials or property or performing the work required; such proposals shall be publicly opened by the county treasurer or other fiscal officer at the place, day and hour designated in such advertisement and said county treasurer or other fiscal officer shall contract with the lowest responsible bidder to furnish such articles, materials or property or to perform the

work required. No payment shall be made from the moneys aforesaid except upon the approval in writing of the officer making the requisition. Copies of all proposals and contracts made under the authority hereby conferred shall be filed in the office of the county treasurer or other fiscal officer. The county treasurer or other fiscal officer is authorized and directed, whenever in his opinion it shall be to the interest of the brigade district, to require a party who shall agree or contract to furnish any articles, materials or property or to perform any work to give a bond to the people of the state of New York in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default, such bond shall be prosecuted by the attorney-general and all moneys recovered shall be paid to the said county treasurer. The county treasurer of such county shall, on the first day of September in each year, file with the armory commission a report in detail showing the amounts paid or contracted to be paid during the preceding fiscal year for or on account of each armory located in said county and specifying the balance remaining in his hands of the moneys appropriated for said fiscal year, including the accumulated interest thereon which will not be required to meet outstanding obligations contracted during said fiscal year. The first report required hereunder shall be made on the first day of September, nineteen hundred and fifteen, and shall include all amounts received, paid out or contracted for from the first day of January, nineteen hundred and fourteen, to and including the thirtieth day of June, nineteen hundred and fifteen, and shall show the balance remaining in his hands of the moneys appropriated for said period including the accumulated interest thereon which will not be required to meet outstanding obligations contracted during said period.

§ 194. **Emergency expenditures.** In case of emergency the treasurer of a county wherein an armory is located shall, upon the requisition of the officer having charge or control of such armory, approved by the armory commission, make expenditures not exceeding twenty-five hundred dollars out of any funds in his hands. The amounts so paid out, with interest, shall be included in the next annual budget of the brigade district and repaid to the said county treasurer by the armory commission. This section shall not apply to or affect any portion of the several counties lying within the boundaries of the city of New York.



§ 195. **Inventory of property and accountability therefor.** Every officer in charge and control of an armory on the first day of September in each year in the manner and form prescribed by the armory commission or armory board shall make and file an inventory and return of all property supplied by a city, county or brigade district and in his custody on the thirty-first day of August in each year. In the city of New York such inventory shall be filed with the armory board. In counties outside the city of New York it shall be filed with the armory commission. Access to armories for the purpose of verifying the inventories and returns required to be filed by this section may be had at all proper times by duly authorized representatives of the armory commission or the armory board.

Every officer in charge and control of an armory shall be personally responsible for the care and maintenance of such armory and for all city, county and brigade district property contained therein; and no such officer shall be relieved of such property or responsibility, except such responsible officer make application for such relief and furnish to the armory commission or armory board satisfactory proof of the proper expenditure of such property or the unavoidable loss or destruction thereof, and the said armory commission or armory board may thereupon relieve said officer from said responsibility.

§§ 196, 197  
added.

§ 10. Article nine of such chapter is hereby amended by adding at the end thereof two new sections, to be sections one hundred and ninety-six and one hundred and ninety-seven, to read as follows:

§ 196. **Disposal of useless property.** Whenever property furnished by a brigade district or by the city of New York shall become obsolete, useless or superfluous, the armory commission or armory board, as the case may be, may cause the same to be sold at public or private sale for the best price obtainable. The moneys derived from the sale thereof in the case of brigade districts shall be paid into the state treasury to the credit of the brigade district which furnished said property, and in case of the city of New York shall be paid to the chamberlain of such city, to the credit of the armory board.

§ 197. **First estimate for maintenance to cover expenses for eighteen months.** The estimates for maintenance herein provided to be made by section one hundred and ninety-three, in the year nineteen hundred and thirteen, shall be made for and include the eighteen months to commence on the first day of January, nine-



teen hundred and fourteen, and to end on the thirtieth day of June, nineteen hundred and fifteen, and shall be submitted for approval as therein required and when approved shall be filed with the armory commissions as required by said section and the certificate of the officer approving the same required by section one hundred and seventy-eight shall also include the maintenance charges for said eighteen months. The estimates to be made under section one hundred and seventy-eight by the armory commissions in the year nineteen hundred and thirteen for constructing, altering, repairing, enlarging, renting and equipping the armories of each district shall be made for a like period. The amount so certified to the commissions and the amount so determined by them shall be apportioned by the armory commissions as required by section one hundred and seventy-eight upon the several counties of the brigade districts as therein provided and shall as therein provided be certified by said armory commissions to the comptroller. On or before the first day of November, nineteen hundred and thirteen, the comptroller shall state the amount thereof to each county as therein provided and such amount so certified by said comptroller to the several counties shall be a portion of the county charges of each of such counties and shall be levied, collected and paid as other county charges are levied, collected and paid. Such amounts shall be paid by the several county treasurers into the treasury of this state on or before the fifteenth day of May, nineteen hundred and fourteen. On or before the first day of June, nineteen hundred and fourteen, the comptroller shall draw his warrants on the state treasury in favor of the several county treasurers of the brigade districts for the amount required for the maintenance of each armory of the brigade districts as certified to him by the armory commissions and the amounts required shall be transmitted to the several county treasurers designated by the armory commissions to receive the same, which amounts shall be expended for the maintenance of the several armories as provided for in this chapter for the eighteen months hereinabove mentioned. The amount raised for the construction, alteration, repair, enlargement, renting and equipping armories within each district shall be paid upon the warrant of the comptroller, upon the certificate of the armory commission for the purposes hereinabove specified for the said eighteen months. The several county treasurers to whom the same are payable are hereby authorized and required to borrow, on the faith and credit of their

respective counties, in anticipation of the receipt of the several sums so payable to them, such sums as may be necessary to meet the maintenance charges of the armories within their respective counties, not exceeding one-third of the amount required for the maintenance of said armories for said eighteen months, and to issue certificates of indebtedness therefor, payable on or before the first day of July, nineteen hundred and fourteen, with interest at a rate not to exceed six per centum per annum. On receiving the amounts for the maintenance of armories within their respective counties for said eighteen months said county treasurers are authorized and directed forthwith to pay therefrom the sums so borrowed by them with interest.

§ 226  
amended.

§ 11. Section two hundred and twenty-six of such chapter is hereby amended to read as follows:

§ 226. Interest on military funds in the hands of the chamberlain of the city of New York or the several county treasurers of the state. Any moneys which may have accrued, or which may hereafter accrue, and be on deposit with the chamberlain of the city of New York, or with the treasurer of any county, as interest upon moneys constituting the military funds of the state, or of military or naval organizations, corps or artillery districts located in the respective counties, shall, except as otherwise provided in this chapter, be subject to the draft of the adjutant-general of the state, for the use, and to be applied to the benefit, of the national guard of the state.

In effect  
July 1,  
1913.

Moneys  
raised dur-  
ing 1913.

§ 12. This act shall take effect July first, nineteen hundred and thirteen, provided, however, that nothing in this act contained shall repeal, alter or affect the provisions of existing law hereby amended in regard to the raising or expenditure of moneys for the construction, alteration, repair, renting and maintenance of armories and the payment of employees therein during the year nineteen hundred and thirteen, but all moneys raised to be expended for said purposes during said year shall continue to be county charges as provided by such existing law and shall continue to be disbursed as in such existing law provided to and including the thirty-first day of December, nineteen hundred and thirteen.

## Chap. 559.

AN ACT to amend the public health law, generally.<sup>1</sup>

Became a law May 16, 1913, with the approval of the Governor. Passed,  
three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," is hereby amended to read as follows: L. 1909,  
ch. 49, § 2  
amended.

§ 2. **State department of health; commissioner of health; deputy.** The state department of health and the office of commissioner of health are continued. The commissioner of health shall be the head of such department. Such commissioner shall be appointed by the governor, by and with the advice and consent of the senate, and shall be a physician, a graduate of an incorporated medical college, of at least ten years' experience in the actual practice of his profession, and of skill and experience in public health duties and sanitary science. During his term of office he shall not engage in any occupation which would conflict with the performance of his official duties. The term of office of the commissioner shall be six years, beginning on the first day of January of the year in which he is appointed. The commissioner of health shall appoint and at pleasure remove a deputy commissioner, who shall be a physician actively engaged in the practice of his profession in this state for at least five years. The deputy shall perform such duties as shall be prescribed by the commissioner.

§ 2. Such chapter is hereby amended by inserting therein three new sections, to be sections two-a, two-b and two-c, to read as follows: §§ 2a, 2b,  
2c added.

§ 2-a. **Public health council.** There shall be a public health council to consist of the commissioner of health, and six members hereinafter called the appointive members, to be appointed by the governor, of whom at least three shall be physicians and shall have had training or experience in sanitary science, and one shall be a sanitary engineer. Of the

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<sup>1</sup> The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

appointive members first appointed one shall hold office until January first, nineteen hundred and fourteen, one until January first, nineteen hundred and fifteen, one until January first, nineteen hundred and sixteen, one until January first, nineteen hundred and seventeen, one until January first, nineteen hundred and eighteen, and one until January first, nineteen hundred and nineteen, and the terms of office of members thereafter appointed, except to fill vacancies, shall be six years. Vacancies shall be filled by appointment for the unexpired term. The public health council shall meet as frequently as its business may require, and at least twice in each year. The governor shall designate one of the members of the public health council as its chairman. The commissioner of health upon the request of the public health council shall detail an officer or employee of the department of health to act as secretary of the public health council, and shall detail from time to time such other employees as the public health council may require. The public health council shall enact and from time to time may amend by-laws in relation to its meetings and the transaction of its business. The members of the public health council other than the commissioner of health shall each receive an annual salary of one thousand dollars and all members shall be reimbursed for their reasonable and necessary traveling and other expenses incurred in the performance of their official duties.

§ 2-b. **Sanitary code.** The public health council shall have power by the affirmative vote of a majority of its members to establish and from time to time amend sanitary regulations, hereinafter called the sanitary code, without discrimination against any licensed physicians. The sanitary code may deal with any matters affecting the security of life or health or the preservation and improvement of public health in the state of New York, and with any matters as to which jurisdiction is hereinafter conferred upon the public health council. The sanitary code may include provisions regulating the practice of midwifery and for the promotion of health in any or all Indian reservations. Every regulation adopted by the public health council shall state the date on which it takes effect, and a copy thereof, duly signed by the secretary of the public health council, shall be filed in the office of the secretary of state, and a copy thereof shall be sent by the commissioner of health to each health officer within the state, and shall be published in such manner as the public health council may

from time to time determine. The provisions of the sanitary code shall have the force and effect of law and any violation of any portion thereof may be declared to be a misdemeanor. No provision of the sanitary code shall relate to the city of New York or any portion thereof, and every provision of the sanitary code shall apply to and be effective in all portions of the state except the city of New York unless stated otherwise.

§ 2-c. **Enforcement of sanitary code.** The provisions of the sanitary code shall, as to matters to which it relates, and in the territory prescribed therefor by the public health council, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith. Each city, town or village may, in the manner hereinafter prescribed, enact sanitary regulations not inconsistent with the sanitary code established by the public health council. The public health council shall have power to prescribe by regulations the qualifications of directors of divisions, sanitary supervisors, local health officers hereafter appointed and public health nurses.

The actions, proceedings and authority of the state health department in enforcing the provisions of the public health law and sanitary code applying them to specific cases shall at all times be regarded as in their nature judicial, and shall be treated as prima facie just and legal. All meetings of said public health council shall in every suit and proceeding be taken to have been duly called and regularly held, and all regulations and proceedings to have been duly authorized unless the contrary be proved.

The public health council shall have no executive, administrative or appointive duties. It shall, at the request of the commissioner of health, consider any matter relating to the preservation and improvement of public health, and may advise the commissioner thereon; and it may from time to time submit to the commissioner any recommendations which it may deem wise.

§ 3. Section three of such chapter is hereby amended to read <sup>§ 3</sup> ~~as follows:~~ <sup>amended.</sup>

§ 3. **Compensation of officers and employees.** The commissioner of health shall receive an annual salary of eight thousand dollars, and his expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The deputy commissioner of health shall receive an annual salary of five thousand dollars and his

expenses actually and necessarily incurred in the performance of his official duties, to be paid monthly on the audit of the comptroller. The commissioner of health may employ such clerical and other assistants as are necessary for the proper performance of the powers and duties of the department, and fix their compensation within the amount appropriated therefor by the legislature.

§ 2a  
added.

§ 4. Such chapter is hereby amended by inserting therein a new section, to be section three-a, to read as follows:

§ 3-a. **Divisions.** There shall be in the state department of health the following divisions, together with such other divisions as the commissioner may from time to time determine:

1. Division of administration;
2. Division of sanitary engineering;
3. Division of laboratories and research;
4. Division of communicable diseases;
5. Division of vital statistics;
6. Division of publicity and education;
7. Division of child hygiene;
8. Division of public health nursing;
9. Division of tuberculosis.

Each such division shall be under the management of a director appointed by the commissioner.

§ 4  
amended.

§ 5. Section four of such chapter is hereby amended to read as follows:

§ 4. **General powers and duties of commissioner.** The commissioner of health shall take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto. He shall exercise general supervision over the work of all local health authorities except in the city of New York. He shall be charged with the enforcement of the public health law and the sanitary code. He shall make inquiries in respect to the causes of disease, especially epidemics, and investigate the sources of mortality, and the effect of localities, employments and other conditions, upon the public health. He shall obtain, collect and preserve such information relating to mortality, disease and health as may be useful in the discharge of his duties or may contribute to the promotion of health or the security of life in the state. He may issue subpoenas, compel the attendance of witnesses and compel them to testify in any matter or proceeding before him, and a witness may be required to attend and give testimony in a

county where he resides or has a place of business without the payment of any fees. The commissioner of health may reverse or modify an order, regulation, by-law or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board has jurisdiction; and may exercise exclusive jurisdiction over all lands acquired by the state for sanitary purposes. The commissioner of health and any person authorized by him so to do, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places.

§ 6. Such chapter is hereby amended by inserting therein three new sections, to be sections four-a, four-b and four-c, to read, respectively, as follows: §§ 4a, 4b,  
4c added.

§ 4-a. **Sanitary districts; sanitary supervisors; public health nurses.** The commissioner of health shall from time to time divide the state, except cities of the first class, into twenty or more sanitary districts. He shall appoint for each of such districts a sanitary supervisor who shall be a physician. Each sanitary supervisor, under the direction of the commissioner of health and subject to the provisions of the sanitary code, shall, in addition to such other duties as may be imposed upon him, perform the following duties:

1. Keep himself informed as to the work of each local health officer within his sanitary district;

2. Aid each local health officer within his sanitary district in the performance of his duties, and particularly on the appearance of any contagious disease;

3. Assist each local health officer within his sanitary district in making an annual sanitary survey of the territory within his jurisdiction, and in maintaining therein a continuous sanitary supervision;

4. Call together the local health officers within his district or any portion of it from time to time for conference;

5. Adjust questions of jurisdiction arising between local health officers within his district;

6. Study the causes of excessive mortality from any disease in any portion of his district;

7. Promote efficient registration of births and deaths;

8. Inspect from time to time all labor camps within his district and enforce the regulations of the public health council in relation thereto;



9. Inspect from time to time all Indian reservations and enforce all provisions of the sanitary code relating thereto;

10. Endeavor to enlist the coöperation of all the organizations of physicians within his district in the improvement of the public health therein;

11. Promote the information of the general public in all matters pertaining to the public health;

12. Act as the representative of the state commissioner of health, and under his direction, in securing the enforcement within his district of the provisions of the public health law and the sanitary code.

The commissioner of health, whenever he may deem it expedient so to do, may employ such number of public health nurses as he may deem wise within the limits of his appropriation, and may assign them from time to time to such sanitary districts and in such manner as in his judgment will best aid in the control of contagious and infectious diseases and in the promotion of public health.

§ 4-b. **Duties of commissioner with respect to laboratories.** The commissioner of health shall establish and maintain one or more laboratories with such expert assistants and such facilities as are necessary for routine examinations and analyses, and for original investigations and research in matters affecting public health. He shall have authority to make, at the expense of the state, such examinations and analyses at the request of any health officer or of any physician. He may enter into contracts with laboratories in localities accessible to the various portions of the state for the prompt examination of specimens received from local health officers or physicians and for the immediate report thereon, at the expense of the state; provided that all such laboratories shall conform to standards of efficiency established by the public health council, and that no obligation shall be incurred by the commissioner in excess of the sums available therefor.

§ 4-c. **Duties of commissioner with respect to hospitals for contagious diseases.** The commissioner of health shall from time to time submit to the authorities of the several municipalities of the state such recommendations as he may deem wise as to the establishment of hospitals for contagious diseases, indicating the diseases for which in his judgment provision should be made and the extent of such provision. It shall be the duty of the commissioner to inspect from time to time all hospitals for contagious diseases maintained under the jurisdiction of any municipal au-

thority and to report as to the condition and needs of such hospitals to the authorities of the municipality, and to include an abstract of such reports in his annual report. The public health council may from time to time establish regulations for the maintenance of hospitals for contagious diseases.

§ 7. Sections eleven and thirteen of such chapter are hereby amended to read, respectively, as follows: §§ 11, 13 amended.

§ 11. **Power of commissioner where board of health fails to appoint health officer.** If any local board of health shall fail to appoint a health officer, the commissioner of health may, in such municipality, exercise the powers of a health officer thereof. The expenses lawfully incurred by him in such municipality shall be a charge upon and paid by such municipality until such time as a local health officer shall be appointed therein, whereupon the jurisdiction of the commissioner of health conferred by this section shall cease.

§ 13. **Tenement houses in cities.** The commissioner shall have power to examine into the enforcement of the laws relating to tenement houses in any city. Whenever required by the governor, he shall make such an examination and shall report the results thereof to the governor within the time prescribed by him therefor.

§ 8. Section fourteen of such chapter, as amended by chapter ninety-two of the laws of nineteen hundred and ten, is hereby amended to read as follows: § 14, as amended by L. 1910, ch. 92, amended.

§ 14. **Approval of plans for certain works built by state and inspection of state institutions by state commissioner of health.** In all buildings and institutions, owned, maintained or controlled by the state, the plans for all water supply, sewerage, sewage-disposal and garbage-disposal works, shall be subject to the approval of the state commissioner of health before being adopted or constructed. The state commissioner of health shall make from time to time and at least once in each year, an examination and inspection of the sanitary conditions of all state institutions and transmit copies of his report and recommendations thereon to the president of the board of managers or trustees or other authority in charge of such institution and to the fiscal supervisor of state charities in case of institutions reporting to that official. It shall be the duty of the superintendents of said institutions to immediately report an outbreak of a contagious or infectious disease to the state commissioner of health, and upon receipt of such

report the state commissioner of health shall advise the superintendent of said institution as to the best means to effectually control said disease. It shall be the duty of the state commissioner of health to make regular analyses of the water supplies of said institutions, at least twice in each year, and furnish copies of his reports thereon to the president of the board of managers or trustees or other authority in charge of the institutions, and to the fiscal supervisor of state charities in case of institutions reporting to that official.

§ 20, as  
amended  
by L. 1909,  
ch. 165,  
amended.

§ 9. Section twenty of such chapter, as amended by chapter one hundred and sixty-five of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 20. **Local boards of health.** There shall continue to be local boards of health and health officers in the several cities, villages and towns of the state. In the cities, except cities of the first and second class, the board shall consist of the mayor of the city who shall be its president, and at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council, upon the nomination of the mayor, and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. In the cities, except cities of the first and second class, and such other cities whose charters otherwise provide, the board shall appoint, for a term of four years, a competent physician, not one of its members, to be the health officer of the city, and shall fill any vacancy that now exists or may hereafter exist from expiration of term or otherwise in the office of health officer of the city. In villages the board shall consist of the board of trustees of such village. In towns the board of health shall consist of the town board. The local board of health shall appoint a competent physician, not a member of the local board of health, to be the health officer of the municipality. The term of office of the health officer shall be four years and he shall hold office until the appointment of his successor. He may be removed for just cause by the local board of health or the state commissioner of health after a hearing; such removal by the local board of health must be approved by the state commissioner of health. The health officer need not reside within the village or town for which he shall be chosen, but unless he shall, he must reside in an adjoining town. Notice of the membership and or-

ganization of every local board of health shall be forthwith given by such board to the state department of health. The term "municipality," when used in this article, means the city, village or town for which any such local board may be or is appointed. The provisions herein contained as to boards of health, and for the appointment of health officers, shall apply to all towns and villages, whether such villages are organized under general or special laws.

All rights, powers, duties and obligations of each and every town board of health on the date on which this section as amended shall take effect are hereby transferred on that date to the town board of the town, and all rights, powers, duties and obligations of each and every village board of health on the date on which this section as amended shall take effect are hereby transferred on that date to the board of trustees of the village. The members of town boards and of village boards of trustees shall not receive additional compensation by reason of serving as members of town and village boards of health respectively. Any matter within the jurisdiction of a town or village board of health may be considered and acted upon at any meeting of such town board or village board of trustees.

§ 10. Section twenty-one of such chapter, as amended by chapter four hundred and eighty of the laws of nineteen hundred and nine, is hereby amended to read as follows:

§ 21, as  
amended  
by L. 1909,  
ch. 480,  
amended.

§ 21. General powers and duties of local boards of health. Every such local board of health shall meet at stated intervals to be fixed by it, in the municipality. The presiding officer of every such board may call special meetings thereof when in his judgment the protection of the public health of the municipality requires it, and he shall call such meeting upon the petition of at least twenty-five residents thereof, of full age, setting forth the necessity of such meeting. Every such local board, subject to the provisions of the public health law and of the sanitary code, shall prescribe the duties and powers of the local health officer, who shall be its chief executive officer, and direct him in the performance of his duties, and fix his compensation, which in case of health officers of cities, towns and villages, having a population of eight thousand or less, shall not be less than the equivalent of ten cents per annum per inhabitant of the city, town or village according to the latest federal or state enumeration; and in cities, towns and villages having a population of more than eight thou-

sand shall not be less than eight hundred dollars per annum. In addition to his compensation so fixed, the board of health must allow the actual and reasonable expenses of said health officer in the performance of his official duties and in going to, attending and returning from, the annual sanitary conference of health officers, or equivalent meeting, held yearly within the state, and conferences called by the sanitary supervisor of the district, and whenever the services rendered by its health officer shall include the care of smallpox, the board of health shall allow, or whenever such services are extraordinary, by reason of infectious diseases, or otherwise, they may in their discretion, allow to him such further sum in addition to said fixed compensation as shall be equal to the charges for consultation services in the locality, audited by the town board of a town, by the board of trustees of a village or by the proper auditing board of a city of the third class, which said expenses and said additional compensation shall be a charge upon and paid by the municipality as provided in section thirty-five of this chapter. Every such local board shall make and publish from time to time all such orders and regulations, not inconsistent with the provisions of the sanitary code, as it may deem necessary and proper for the preservation of life and health and the execution and enforcement of this chapter in the municipality. It shall make without publication thereof, such orders and regulations for the suppression of nuisances and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon. The health officer may employ such persons as shall be necessary to enable him to carry into effect the orders and regulations of the board of health and the provisions of the public health law and of the sanitary code, and fix their compensation within the limits of the appropriation therefor. The board of health may issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify, and for such purposes it shall have the same powers as a justice of the peace of the state in a civil action of which he has jurisdiction. It may designate by resolution one of its members to sign and issue such subpoenas. No subpoena shall be served

outside the jurisdiction of the board issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health. It may issue warrants to any constable or policeman of the municipality to apprehend and remove such persons as cannot otherwise be subjected to its orders or regulations, and a warrant to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so. Every warrant shall be forthwith executed by the officer to whom directed, who shall have the same powers and be subject to the same duties in the execution thereof, as if it had been duly issued out of a court of record of the state. Every such local board may prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, not exceeding one hundred dollars for a single violation or failure, to be sued for and recovered by it in the name and for the benefit of the municipality; and may maintain actions in any court of competent jurisdiction to restrain by injunction such violations, or otherwise to enforce such orders and regulations.

§ 11. Such chapter is hereby amended by inserting therein three new sections, to be sections twenty-one-a, twenty-one-b and twenty-one-c, to read, respectively, as follows: §§ 21a, 21b,  
21c added.

§ 21-a. **Powers and duties as to sewers.** Whenever such local board of health in any incorporated village shall deem the sewers of such village insufficient to properly and safely sewer such village, and protect the public health, it shall certify such fact in writing, stating and recommending what additions or alterations should in the judgment of such board of health be made, with its reasons therefor, to the state commissioner of health for his approval, and if such recommendations shall be approved by the state commissioner of health, it shall be the duty of the board of trustees or other board of such village having jurisdiction of the construction of sewers therein, if there be such a board, whether sufficient funds shall be on hand for such purpose or not, to forthwith make such additions to or alterations in the sewers of such village and execute such recommendations, and the expenses thereof shall be paid for wholly by said village in the same manner as other village expenses are paid or by an assessment of the whole amount against the property benefited, or partly by the village and partly by an assessment against the property benefited, as the board of trustees of such village shall by resolution determine. If the board of trustees shall determine that such



expenses shall be paid partly by the village and partly by an assessment against the property benefited, as authorized by this section, it shall in the resolution making such determination fix the proportion of such expense to be borne by each, and the proportion thereof to be raised by an assessment against the property benefited shall be assessed and collected in the manner provided by the village law for the assessment and collection of sewer assessments. Said village is hereby authorized to raise such sum as may be necessary for the payment of the expenses incurred, which are a village charge, if any, as herein provided, in addition to the amount such village is now authorized to raise by law for corporation purposes, and such board shall have the right to acquire such lands, rights of way, or other easements, by gift, or purchase, or in case the same cannot be acquired by purchase may acquire the same by condemnation in the manner provided by law.<sup>2</sup>

§ 21-b. **General powers and duties of health officers.** Health officers of towns and villages, in addition to such other duties as may be lawfully imposed upon them and subject to the provisions of the public health law and the sanitary code, shall perform the following duties:

1. Make an annual sanitary survey and maintain a continuous sanitary supervision over the territory within their jurisdiction.

2. Make a medical examination of every school child as soon as practicable after the opening of each school year, except in those schools in which the authorities thereof make other provision for the medical examination of the pupils.

3. Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance of such school buildings and places of public assemblage.

4. Promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health.

5. Take such steps as may be necessary to secure prompt and full reports by physicians of communicable diseases, and prompt and full registration of births and deaths.

6. Enforce within their jurisdiction the provisions of the public health law and the sanitary code.

7. Attend the annual conferences of sanitary officers called by

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<sup>2</sup> See code of civil procedure, §§ 3357-3384.



the state department of health, and local conferences within his sanitary district, to which he may be summoned by the sanitary supervisor thereof.

The written reports of public health officers, inspectors, nurses and other representatives of public health officers on questions of fact under the public health law or under the sanitary code or any local health regulation shall be presumptive evidence of the facts so stated, and shall be received as such in all courts and places. The persons making such reports shall be exempt from personal liability for the statements therein made, if they have acted in good faith.

No health officer, inspector, public health nurse, or other representative of a public health officer, and no person or persons other than the city, village or town by which such health officer or representative thereof is employed shall be sued or held to liability for any act done or omitted by any such health officer or representative of a health officer in good faith and with ordinary discretion on behalf or under the direction of such city, village or town or pursuant to its regulations or ordinances, or the sanitary code, or the public health law. Any person whose property may have been unjustly or illegally destroyed or injured pursuant to any order, regulation or ordinance, or action of any board of health or health officer, or representative of a health officer, for which no personal liability may exist as aforesaid, may maintain a proper action against the city, village or town for the recovery of proper compensation or damages. Every such suit must be brought within six months after the cause of action arose and the recovery shall be limited to the damages suffered.

§ 21-c. **Public health nurses.** Each health officer or other official exercising similar duties, by whatever official designation he may be known, shall have power to employ such number of public health nurses as in his judgment may be necessary within the limits of the appropriation made therefor by the city, town or village. They shall work under the direction of the health officer and may be assigned by him to the reduction of infant mortality, the examination or visitation of school children or children excluded from school, the discovery or visitation of cases of tuberculosis, the visitation of the sick who may be unable otherwise to secure adequate care, the instruction of members of households in which there is a sick person, or to such other duties as may seem to him appropriate.

§§ 25, 27,  
21, 24,  
26, 28  
amended.

§ 12. Sections twenty-five, twenty-seven, thirty-one, thirty-four, thirty-five and thirty-eight of such chapter, are hereby amended to read, respectively, as follows:

§ 25. **Infectious and contagious or communicable diseases.** Every local board of health and every health officer shall guard against the introduction of such infectious and contagious or communicable diseases as are designated in the sanitary code, by the exercise of proper and vigilant medical inspection and control of all persons and things infected with or exposed to such diseases, and provide suitable places for the treatment and care of sick persons who cannot otherwise be provided for. They may, subject to the provisions of the sanitary code, prohibit and prevent all intercourse and communication with or use of infected premises, places and things, and require, and if necessary, provide the means for the thorough purification and cleansing of the same before general intercourse with the same or use thereof shall be allowed. Every physician shall immediately give notice of every case of infectious and contagious or communicable disease required by the state department of health to be reported to it, to the health officer of the city, town or village where such disease occurs, and no physician being in attendance on such case, it shall be the duty of the superintendent or other officer of an institution, householder, hotel or lodging house keeper, or other person where such case occurs, to give such notice. The physician or other person giving such notice shall be entitled to the sum of twenty-five cents therefor, which shall be a charge upon and paid by the municipality where such case occurs. Every local health officer shall report to the state department of health, promptly, all cases of such infectious and contagious or communicable diseases, as may be required by the state department of health, and for such reporting the health officer of a village or town shall be paid by the municipality employing him, upon the certification of the state department of health, a sum not to exceed twenty cents for each case so reported. The reports of cases of tuberculosis made pursuant to the provisions of this section shall not be divulged or made public so as to disclose the identity of the persons to whom they relate, by any person; except in so far as may be authorized by the public health council. The board of health shall provide at stated intervals, a suitable supply of vaccine virus, of a quality and from a source approved by the state department of health, and during an actual epidemic of smallpox obtain fresh supplies of

such virus at intervals not exceeding one week, and at all times provide thorough and safe vaccination for all persons in need of the same. If a pestilential, infectious or contagious disease exists in any county almshouse or its vicinity, and the physician thereof shall certify that such disease is likely to endanger the health of its inmates, the county superintendent of the poor may cause such inmates or any of them to be removed to such other suitable place in the county as the local board of health of the municipality where the almshouse is situated may designate, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance until they shall be safely returned to such almshouse or otherwise discharged. The health officer, commissioner of health, or boards of health of the cities of the first class shall report promptly to the state department of health all cases of smallpox, typhus and yellow fever and cholera and the facts relating thereto.

§ 27. **Owner to bear all or part of expense of removal of waters wherein mosquito larvae breed.** Whenever the local board of health of a municipality shall determine that any accumulation of water wherein mosquito larvae breed, constitutes a nuisance or a danger or injury to life or health, the owner or owners of the premises on which the breeding place is located shall bear the expense of its suppression or removal, or so much thereof as the local board may have determined to be equitable as hereinafter provided, and for the amount thereof an action may be maintained in the name of the municipality and the same shall become a first lien on the premises as provided by sections thirty-one and thirty-two of this article.

§ 31. **Removal of nuisances.** If the owner or occupant of any premises whereon any nuisance or condition deemed to be detrimental to the public health exists or the cause of the existence elsewhere, fails to comply with any order or regulation of any such local board for the suppression and removal of any such nuisance or other matter, in the judgment of the board detrimental to the public health, made, served or posted as required in this article, such board or their servants or employees may enter upon the premises to which such order or regulation relates, and suppress or remove such nuisance or other matter. The expense of such suppression or removal shall be paid by the owner or occupant of such premises, or by the person who caused or maintained such nuisance or other matters, and the board may main-

tain an action in the name of the municipality to recover such expense, and the same when recovered shall be paid to the treasurer of the municipality, or if it has no treasurer to its chief fiscal officer, to be held and used as the funds of the municipality. Whenever the suppression or removal of such nuisance or conditions detrimental to health demand the immediate expenditure of money, every such local board of health shall be authorized to use for such purpose any money in the hands of the board, or may call on the city council for such money or it may borrow the same on the credit of the municipality. All such moneys so expended or borrowed shall be immediately repaid to the fund or source whence they were received on the recovery of the same by action or otherwise from the persons responsible for the expenses of suppression or removal.

§ 34. **Jurisdiction of town boards.** A town board of health shall not have jurisdiction over any city or incorporated village or part of such city or village in such town.

§ 35. **Expenses, how paid.** All expenses incurred by any local board of health in the performance of the duties imposed upon it or its members by law shall be a charge upon the municipality, and shall be audited, levied, collected and paid in the same manner as the other charges of, or upon, the municipality are audited, levied, collected and paid. The taxable property of any incorporated village shall not be subject to taxation for maintaining any town board of health, or for any expenditure authorized by the town board, but the costs and expenditures of the town board shall be assessed and collected exclusively on the property of the town outside of any such village.

§ 38. **Exceptions and limitations as to city of New York.** Sections twenty to thirty-eight inclusive of this article shall not be construed to affect, alter or repeal laws now in force relating to the board of health of the city of New York nor the sanitary code duly adopted and now in force in such city.

§§ 320, 322  
amended

§ 13. Sections three hundred and twenty and three hundred and twenty-two of such chapter, are hereby amended to read as follows:

§ 320. **Reports of tuberculosis by physicians and others.** Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the state of New York, to report by telephone or in person or in writing on a form to be furnished as

hereinafter provided, the name and address, of every person known by said physician to have tuberculosis, to the health officer of the city, town or village in which said person resides or may be, within twenty-four hours after such fact comes to the knowledge of said physician. It shall also be the duty of the chief officer having charge for the time being of any hospital, dispensary, asylum or other similar private or public institution to report the name, age, sex, color, occupation, place where last employed if known, the previous address of every patient having tuberculosis who comes into his care or under his observation, within twenty-four hours thereafter.

Any physician may report the name and address of any person coming under his observation who appears to be suffering from tuberculosis to the health officer of the city, town or village in which such person is, and the health officer shall thereupon take such steps as may be prescribed by the sanitary code.

Each registrar of vital statistics shall promptly report to the health officer the name and address of every person reported to him as having died from tuberculosis. The health officer shall ascertain whether such person has been previously reported as having tuberculosis by the physician signing the death certificate, and if it appears that such physician has not so reported such person, the health officer shall call the attention of such physician to the provisions of this section. In case of repeated violations of the provisions of this section by any physician the health officer shall report such repeated violations to the board of health or other local health authorities, who shall cause such steps to be taken as may be necessary to enforce the penalty provided for such violation.

§ 322. **Protection of records.** It shall be the duty of every health officer of a city, town or village to cause all reports made in accordance with the provisions of section three hundred and twenty, and also all results of examinations, showing the presence of the bacilli of tuberculosis, made in accordance with the provisions of section three hundred and twenty-one, to be recorded in a register, of which he shall be the custodian. Such register shall not be open to inspection by any person other than the health authorities of the state and of the said city, town or village, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be authorized in the sanitary code.

tain an action in the name of the municipality to recover such expense, and the same when recovered shall be paid to the treasurer of the municipality, or if it has no treasurer to its chief fiscal officer, to be held and used as the funds of the municipality. Whenever the suppression or removal of such nuisance or conditions detrimental to health demand the immediate expenditure of money, every such local board of health shall be authorized to use for such purpose any money in the hands of the board, or may call on the city council for such money or it may borrow the same on the credit of the municipality. All such moneys so expended or borrowed shall be immediately repaid to the fund or source whence they were received on the recovery of the same by action or otherwise from the persons responsible for the expenses of suppression or removal.

§ 34. **Jurisdiction of town boards.** A town board of health shall not have jurisdiction over any city or incorporated village or part of such city or village in such town.

§ 35. **Expenses, how paid.** All expenses incurred by any local board of health in the performance of the duties imposed upon it or its members by law shall be a charge upon the municipality, and shall be audited, levied, collected and paid in the same manner as the other charges of, or upon, the municipality are audited, levied, collected and paid. The taxable property of any incorporated village shall not be subject to taxation for maintaining any town board of health, or for any expenditure authorized by the town board, but the costs and expenditures of the town board shall be assessed and collected exclusively on the property of the town outside of any such village.

§ 38. **Exceptions and limitations as to city of New York.** Sections twenty to thirty-eight inclusive of this article shall not be construed to affect, alter or repeal laws now in force relating to the board of health of the city of New York nor the sanitary code duly adopted and now in force in such city.

§§ 320, 322  
amended

§ 13. Sections three hundred and twenty and three hundred and twenty-two of such chapter, are hereby amended to read as follows:

§ 320. **Reports of tuberculosis by physicians and others.** Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the state of New York, to report by telephone or in person or in writing on a form to be furnished as



hereinafter provided, the name and address, of every person known by said physician to have tuberculosis, to the health officer of the city, town or village in which said person resides or may be, within twenty-four hours after such fact comes to the knowledge of said physician. It shall also be the duty of the chief officer having charge for the time being of any hospital, dispensary, asylum or other similar private or public institution to report the name, age, sex, color, occupation, place where last employed if known, the previous address of every patient having tuberculosis who comes into his care or under his observation, within twenty-four hours thereafter.

Any physician may report the name and address of any person coming under his observation who appears to be suffering from tuberculosis to the health officer of the city, town or village in which such person is, and the health officer shall thereupon take such steps as may be prescribed by the sanitary code.

Each registrar of vital statistics shall promptly report to the health officer the name and address of every person reported to him as having died from tuberculosis. The health officer shall ascertain whether such person has been previously reported as having tuberculosis by the physician signing the death certificate, and if it appears that such physician has not so reported such person, the health officer shall call the attention of such physician to the provisions of this section. In case of repeated violations of the provisions of this section by any physician the health officer shall report such repeated violations to the board of health or other local health authorities, who shall cause such steps to be taken as may be necessary to enforce the penalty provided for such violation.

§ 322. **Protection of records.** It shall be the duty of every health officer of a city, town or village to cause all reports made in accordance with the provisions of section three hundred and twenty, and also all results of examinations, showing the presence of the bacilli of tuberculosis, made in accordance with the provisions of section three hundred and twenty-one, to be recorded in a register, of which he shall be the custodian. Such register shall not be open to inspection by any person other than the health authorities of the state and of the said city, town or village, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be authorized in the sanitary code.



§ 324, as  
amended  
by L. 1909,  
ch. 240, and  
L. 1910,  
ch. 427,  
amended.

§ 14. Section three hundred and twenty-four of such chapter, as amended by chapter two hundred and forty of the laws of nineteen hundred and nine, and chapter four hundred and twenty-seven of the laws of nineteen hundred and ten, is hereby amended to read as follows:

§ 324. **Health officer to direct disinfection, cleansing or renovation.** When notified of the vacation of any apartments or premises as provided in section three hundred and twenty-three thereof, the local health officer or one of his assistants or deputies, shall within twenty-four hours thereafter visit said apartments or premises and shall order and direct that, except for purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and all apartments or premises shall be disinfected, cleansed or renovated in order that they may be rendered safe and suitable for occupancy as prescribed by the sanitary code. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises together with all infected articles therein, shall immediately be disinfected by the health authorities at public expense, or provided, however, that in any locality which in the judgment of the state commissioner of health may be considered a resort for persons having tuberculosis, such disinfection may in the discretion of the health authorities be done by such health authorities at the expense of the owner of the premises. Should the health authorities determine that such apartments or premises are in need of thorough cleansing and renovation, a notice in writing to this effect shall be served upon the owner or agent of said apartments or premises, and said owner or agent shall thereupon proceed to the cleansing or renovating of such apartments or premises in accordance with the instructions of the health authorities, and such cleansing and renovation shall be done at the expense of said owner or agent. The public health council shall include in the sanitary code regulations defining the methods and precautions to be observed in disinfecting, cleansing, or renovating premises under the provisions of this section. In any case in which the owner is liable for the expense of such disinfection, cleansing or renovation by or pursuant to the provisions of this section, such expense if not paid shall be a first lien upon such property, real or personal, so disinfected, cleansed or renovated, having preference over all other liens and incum-

brances whatever. If the lien is against real property, it may be foreclosed in the manner prescribed in section thirty-two of the public health law; if the lien is against personal property it may be foreclosed in the manner prescribed in sections two hundred and six to two hundred and nine, inclusive, of the lien law.

§ 15. Such chapter is hereby amended by inserting therein a new section, to be section three hundred and twenty-six-a, to read as follows: § 326a  
added.

§ 326-a. **Control of dangerous and careless patients.** Whenever a complaint shall be made by a physician to a health officer that any person is afflicted with an infectious, contagious or communicable disease or is a carrier of typhoid fever, tuberculosis, diphtheria or other infectious disease and is unable or unwilling to conduct himself and to live in such a manner as not to expose members of his family or household or other persons with whom he may be associated to danger of infection, the health officer shall forthwith investigate the circumstances alleged. If he shall find that any such person is a menace to others, he shall lodge a complaint against such person with a magistrate, and on such complaint the said person shall be brought before such magistrate. The magistrate after due notice and a hearing, if satisfied that the complaint of the health officer is well founded and that the person is a source of danger to others, may commit him to a county hospital for tuberculosis or to any other hospital or institution established for the care of persons suffering from any such disease or maintaining a room, ward or wards for such persons. Such person shall be deemed to be committed until discharged in the manner authorized in this section. In making such commitment the magistrate shall make such order for payment for the care and maintenance of such person as he may deem proper. The chief medical officer of the hospital or other institution to which any such person has been committed, upon signing and placing among the permanent records of such hospital or institution a statement to the effect that such person has obeyed the rules and regulations of such hospital or institution for a period of not less than sixty days, and that in his judgment such person may be discharged without danger to the health or life of others, or for any other reason stated in full which he may deem adequate and sufficient, may discharge the person so committed. He shall report each such discharge together with a full statement of the reasons therefor at once to the health officer

of the city, village or town from which the patient came and at the next meeting of the board of managers or other controlling authority of such hospital or institution. Every person committed under the provisions of this section shall observe all the rules and regulations of such hospital or institution. Any patient so committed who neglects or refuses to obey the rules or regulations of the institution may by direction of the chief medical officer of the institution be placed apart from the other patients and restrained from leaving the institution. Any such patient who wilfully violates the rules and regulations of the institution or repeatedly conducts himself in a disorderly manner may be taken before a magistrate by the order of the chief medical officer of the institution. The chief medical officer may enter a complaint against such person for disorderly conduct and the magistrate, after a hearing and upon due evidence of such disorderly conduct, may commit such person for a period not to exceed six months to any institution to which persons convicted of disorderly conduct or vagrancy or of being tramps may be committed, and such institution shall keep such person separate and apart from the other inmates, provided that nothing in this section shall be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction, for a review of the evidence on which commitment was made.

§ 328, as amended by L. 1909, ch. 426, and L. 1911, ch. 490, amended.

§ 16. Section three hundred and twenty-eight of such chapter, as amended by chapter four hundred and twenty-six of the laws of nineteen hundred and nine, and chapter four hundred and ninety of the laws of nineteen hundred and eleven, is hereby amended to read as follows:

§ 328. Provided that physicians shall make a complete statement of procedure and precautions on a blank to be furnished by the health officer. It shall be the duty of the local health officer to transmit to a physician reporting a case of tuberculosis as provided in section three hundred and twenty, a printed statement and report, in a form approved by the state commissioner of health, naming such procedure and precautions as in the opinion of the said commissioner are necessary or desirable to be taken on the premises of a tuberculosis patient. The state department of health shall print an ample supply of such statements and reports and furnish the same in sufficient numbers to health officers for all physicians. Upon receipt of such statement and report

the physician shall either carry into effect all such procedure and precautions as are therein prescribed, and shall thereupon sign and date the same and return it to the local health officer without delay, or, if such attending physician be unwilling or unable to carry into effect the procedures and precautions specified, he shall so state upon this report and immediately return the same to the local health officer and the duties therein prescribed shall thereupon devolve upon said local health officer who shall receive the fee hereinafter provided as payment of the services of the physician if he comply with the duties herein prescribed. Upon the receipt of this statement and report the local health officer shall carefully examine the same, and if satisfied that the attending physician has taken all necessary and desirable precautions to insure the safety of all persons living in the apartments or premises occupied by the persons having tuberculosis, the said local health officer shall issue an order upon the treasurer of the city, town or village in favor of the attending physician, except where such physician is employed by and receives a salary from the state of New York, or is employed by and receives a salary from a hospital, sanatorium, or other similar private or public institution in the state of New York, for the sum of one dollar thereupon to be paid out of a fund which shall be provided by said city, town or village. But no such payment shall be made to any physician for reporting cases of tuberculosis elsewhere than in the city, town or village where such patient resides. If the precaution taken or instructions given by the attending physician are, in the opinion of the local health officer, not such as will remove all reasonable danger or probability of danger to the persons occupying the said house or apartments or premises, the local health officer shall return to the attending physician the report with a letter specifying the additional precautions or instructions which the health officer shall require him to take or give; and the said attending physician shall immediately take the additional precautions and give the additional instructions specified and shall record and return the same on the original report to the local health officer. A health officer shall have authority to cause all reported cases of tuberculosis within his jurisdiction to be visited from time to time by a public health nurse. In every case in which a physician reporting the case has elected to carry into effect the procedure and precautions required by this section, the public health nurse shall act under the direction and supervision

of the physician. It shall further be the duty of the health officer to transmit to the physician reporting any case of tuberculosis a printed requisition, to be supplied by the state commissioner of health, and issued in sufficient number to health officers to supply physicians. Upon this requisition blank shall be named the materials kept on hand by the local health officer for the prevention of the spread of tuberculosis and it shall be the duty of the local health officer to supply such materials as may be specified in such requisition. Any physician may return a duly signed requisition to the local health officer for such of the specified materials and in such amount as he may deem necessary to aid him in preventing the spread of the disease, and all local health officers shall honor, as far as possible, the requisition signed by the attending physician in such case. It shall be the duty of every local health officer to transmit to every physician reporting any case of tuberculosis, or to the person reported as suffering from this disease, provided the latter has no attending physician, a circular of information approved by the state commissioner of health and which shall be provided in sufficient quantity by the local health authorities. This circular of information shall inform the consumptive of the best methods of treatment of his disease and of the precautions necessary to avoid transmitting the disease to others.

§ 329  
amended.

§ 17. Section three hundred and twenty-nine of such chapter, is hereby amended to read as follows:

§ 329. **Penalty for failure of physician to perform duties or for making false reports.** Any physician or person practicing as a physician who shall wilfully make any false statement concerning the name, age, sex, color, occupation, place where last employed if known, or address of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not more than one hundred dollars.

§ 18. This act shall take effect immediately.

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**TABLES OF LAWS AND CODES  
AMENDED OR REPEALED.**

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**TABLE OF LEGALIZING ACTS.**

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# TABLES

## OF

### LAWS AND CODES AMENDED OR REPEALED.

#### I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1913.\*

*(Sections, etc., are amended unless it is otherwise indicated.)*

Section.	SUBJECT.	Year.	Chap- ter.	Page.
	<b>AGRICULTURAL LAW:</b> (L. 1909, ch. 9, constituting cons. laws, ch. 1.)			
2	Salary of commissioner.....	1909	580	1771
2	Commissioner.....	1913	345	642
3	Commissioner, deputies and employees.....	1913	345	643
4	Expert butter and cheese makers.....	1910	112	174
12, added	Examination of food for state institutions.....	1910	434	812
12a, added	Almshouse farms.....	1913	460	950
13, added	Decisions of department to be furnished to corpora- tions, etc., dealing in products regulated.....	1911	313	729
30	Adulterated cream.....	1909	186	297
30	Butter and cheese defined.....	1911	59	79
30	Adulterated milk defined.....	1911	608	1374
30	Adulterated milk defined.....	1913	455	938
30, subd. 2	Adulterated milk defined.....	1910	341	604
31	Care of cows and produce therefrom.....	1910	216	398
35	Inspection of milk.....	1911	608	1376
37	Regulations as to condensed milk.....	1911	608	1377
40	Oleaginous substances.....	1909	357	683
41	Coloring matter, etc.....	1909	357	684
45	Receptacles for milk; milk gathering stations.....	1911	608	1378
45	Receptacles for milk; milk gathering stations.....	1913	408	853
47	Receptacles for milk; milk can inspectors.....	1911	608	1381
48	Branding or labeling cheese.....	1910	207	387
49	Branding skim-milk cheese.....	1913	456	940
55-61, added	Milk gathering stations; licenses.....	1913	408	856
64a, added	Tuberculous animals.....	1909	588	1783
70	Vinegar.....	1909	210	330
70	Vinegar.....	1912	26	42
72	Vinegar.....	1909	210	330
72	Vinegar.....	1911	228	505
73	Vinegar.....	1909	210	330
73	Penalties for violation of art. 4.....	1910	156	280
90	Diseases of domestic animals.....	1909	240	374
90	Diseases of domestic animals.....	1909	312	580
91	Quarantines.....	1909	313	582
92	Quarantined farms.....	1909	315	585
93	Detention and destruction of animals.....	1909	315	586
95	Destruction of diseased animals.....	1909	316	587

\* It is important to notice that the following table for the consolidated laws gives the amendments and repeals of 1909, 1910, 1911 and 1912, as well as those of 1913.

## I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1913 — (Continued).

Section.	SUBJECT.	Year.	Chapter.	Page.
<b>AGRICULTURAL LAW — (Continued).</b>				
96	Regulations.....	1909	352	666
96	Penalty for violation of quarantine.....	1910	437	818
96	Expense of enforcing regulations.....	1911	255	641
97	Penalties.....	1909	352	667
99	Appraisal of condemned animals.....	1909	314	583
99	Appraisal of condemned animals.....	1910	670	1927
101	Post-mortem examination of animals.....	1909	314	584
102	Compensation for animals destroyed.....	1909	314	584
104, repealed	Federal regulations, diseases of animals.....	1909	232	362
105, repealed	Rights of federal inspectors.....	1909	232	362
106	Veal.....	1910	561	1393
160	Commercial feeding stuffs.....	1909	317	588
160	Commercial feeding stuffs.....	1910	436	817
160	Commercial feeding stuffs.....	1912	277	506
161	Statements on package.....	1909	317	589
161	Statements on package.....	1911	314	730
162	Statements filed with commissioner.....	1909	317	589
162	Statements to be filed.....	1911	314	731
163	License fee.....	1909	317	590
165	Adulterated meal.....	1909	317	591
220-224	Commercial fertilizers.....	1910	435	813
240	Turpentine; linseed or flaxseed oil.....	1911	816	2313
242	Turpentine; linseed or flaxseed oil.....	1911	816	2314
262	Sale of apples, pears and peaches.....	1911	511	1168
263, repealed	Barrels; apples, pears and quinces.....	1912	81	137
Art. 12a (§§ 282-289), added	Sale of farm produce on commission.....	1913	457	941
291, 293	State fair commission.....	1910	366	658
304	Plant diseases; insect pests.....	1909	222	347
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305	Infected nursery stock.....	1909	222	350
305	Infected nursery stock.....	1911	798	2109
307a, added	Reports of experiment station at Geneva.....	1913	458	945
310	Apportionment of moneys for promotion of agriculture.....	1912	73	113
310	Apportionment of moneys for promotion of agriculture.....	1913	459	946
319, added	Bureau of supervision of co-operative associations....	1913	235	424
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Art. 15 (§§ 340, 341), added	Inspection and sale of seeds.....	1912	297	544
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2	Savings and loan associations.....	1910	126	189
2, ¶, added	Credit unions.....	1913	582	1571
5a, added	Retirement of employees in banking department....	1912	212	378
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27, subd. 3	Savings and loan associations.....	1910	126	195
27, subd. 4	Purchase of evidences of debt by officers, etc.....	1909	402	865
27, subd. 7	Loans to officers, etc., of money corporation.....	1911	585	1343
27, subd. 8	Savings and loan associations.....	1910	126	196
27, subd. 8	Savings and loan associations.....	1913	670	1764
27, subd. 9	Loans by banking corporations.....	1909	240	375
33a, added	Foreign banking corporations.....	1911	772	2051
33a	Foreign banking corporations.....	1913	484	1163
33b, added	Foreign banking corporations.....	1911	772	2052
38	Savings and loan associations.....	1910	126	196
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44	Security by depositaries of court funds.....	1911	709	1910
66	General powers of banks.....	1912	101	174
67	Deposit of bank reserves.....	1909	223	353
67	Lawful money reserve; certificates of deposit.....	1910	399	731
67	Lawful money reserve.....	1911	200	468
104	Certificates of deposit.....	1910	399	733
137	Trustees of savings banks.....	1912	237	452
137	Trustees of savings banks.....	1913	113	184
140	Trustees of savings banks, vacancies.....	1913	113	186
140a, added	Removal of trustees of savings banks.....	1913	94	162
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146, subd. 4	Investment of savings bank deposits.....	1912	100	173
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186, subd. 11	Powers of trust companies.....	1911	687	1809
186, subd. 11	Enforcement of corporate mortgages.....	1913	317	591
190	Security of trust company, trust fund debts preferred.....	1909	240	375
193	Trust company investments.....	1909	294	532
198	Lawful money reserve, trust companies.....	1911	200	471
198	Lawful money reserve, trust companies.....	1912	49	74
199, added	Proceedings on closing trust company.....	1913	103	173
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215, first ¶	Savings and loan associations.....	1912	103	178
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220-238	Savings and loan associations.....	1910	126	198
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304	Safe deposit companies.....	1911	371	851
305, added	Lien of safe deposit companies.....	1911	382	868

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2, subd. 7	Mystic Shrine for North America.....	1910	145	266
2, subd. 18, added	Junior Order of United American Mechanics.....	1909	420	902
2, subd. 19, added	Modern Woodmen of America.....	1910	420	761
2, subd. 20, added	Brotherhood of the Commonwealth.....	1910	297	537
2, subd. 21, added	Maccabees of the World.....	1912	65	102
2, subd. 21, added	Loyal Order of Moose.....	1912	213	378
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2, subd. 23, added	National Order of Daughters of Isabella.....	1913	250	446
2, last ¶	Organization.....	1909	240	376
2, last ¶	Organization.....	1910	420	761
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4	Terms of trustees.....	1912	65	104
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7	Mystic Shrine for North America.....	1910	145	266
9	Powers of joint corporation.....	1913	11	16
10	Mortgaging property.....	1911	307	722
<b>BUSINESS CORPORATIONS LAW:</b> (L. 1909, ch. 12, constituting cons. laws, ch. 4.)				
2, opening ¶	Incorporation.....	1909	484	1172
2a, added	Corporation for practice of law prohibited.....	1909	484	1172
15	Water companies.....	1909	240	377
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15, subd. 3	Sale or exchange of canal lands.....	1910	350	624
21	Bureau of canal affairs.....	1913	772	1926
33, subd. 14a, added	Jurisdiction of Shinnecock and Peconic canal.....	1913	229	401
37	Advances to superintendent of repairs.....	1909	240	377
61	Undertakings of division and resident engineers.....	1910	113	174
64	Undertakings of division and resident engineers.....	1910	113	174
64	Advances to division engineers.....	1913	241	431
106	Purchasers of surplus water.....	1909	240	377
126a, added	Expense of operating lift or swing bridge.....	1911	677	1770
153	Drafts for payment of contracts.....	1913	241	432
178	Changing names of mortgaged canal boats.....	1910	181	377
<p style="text-align: center;"><b>CIVIL RIGHTS LAW:</b> (L. 1909, ch. 14, constituting cons. laws, ch. 6.)</p>				
40, 41	Equal rights in places of public accommodation.....	1913	265	481
51	Exhibition of photographs.....	1911	226	504
<p style="text-align: center;"><b>CIVIL SERVICE LAW:</b> (L. 1909, ch. 15, constituting cons. laws, ch. 7.)</p>				
3	State civil service commission.....	1913	352	650
4	Officers and employees of commission.....	1913	352	651
13	Exempt class.....	1913	352	652
13, subd. 2	Exempt class.....	1912	170	307
14	Competitive class.....	1911	547	1230
20	Disbursing officers.....	1909	240	378
22	Removal of Spanish war veterans.....	1910	264	468
29, added	Examination pamphlet and civil list.....	1910	590	1428
<p style="text-align: center;"><b>CONSERVATION LAW:</b> (L. 1911, ch. 647, constituting cons. laws, ch. 65.)</p>				
3	Office force.....	1912	444	883
9	Suits and prosecutions.....	1912	444	885
12	Reports.....	1912	444	885
22	Structures for impounding waters; penalties.....	1913	736	1855
26-35, added	Actions for penalties.....	1912	444	886
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50-62, added	Lands and forests.....	1912	444	888
63, added	Trespass on state lands.....	1912	444	898
63	Trespass on state lands.....	1913	723	1839
64, added	Determination of title to land in forest preserve.....	1912	444	898
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64, subd. 1, ¶ b	Title to lands claimed by state.....	1913	719	1834

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65-89, added	Lands and forests . . . . .	1912	444	900
90, added	Limbs and branches to be lopped . . . . .	1912	444	910
90	Limbs to be cut off . . . . .	1913	723	1840
91-93, added	Lands and forests . . . . .	1912	444	910
94, added	Expenses of fighting fires; how paid . . . . .	1912	444	912
94	Expenses of fighting fires; how paid . . . . .	1913	723	1840
95-97, added	Lands and forests . . . . .	1912	444	913
98, added	Setting fires without permission . . . . .	1912	444	915
98	Setting fires without permission . . . . .	1913	723	1842
99-102, added	Lands and forests . . . . .	1912	444	916
103, added	Fire precautions by railroads . . . . .	1912	444	918
103	Fire precautions by railroads . . . . .	1913	723	1842
104-112, added	Lands and forests . . . . .	1912	444	920
Art. 5 (§§ 150-178), repealed	Fish and game . . . . .	1912	318	576
Art. 5, added	Fish and game . . . . .	1912	318	576
Art. 5, schedule of parts	Fish and game . . . . .	1913	508	1315
Art. 5, pt. 1, schedule of sections	Powers and duties of commission . . . . .	1913	508	1316
150, repealed	General powers of commission; fish and game . . . . .	1912	318	576
150, added	General powers of commission; fish and game . . . . .	1912	318	577
150	General powers of commission; fish and game . . . . .	1913	508	1316
151, repealed	Superintendent of marine fisheries . . . . .	1912	318	576
151, added	Fish culturist . . . . .	1912	318	577
152, repealed	Duties of superintendent of marine fisheries . . . . .	1912	318	576
152, added	Additional protection of fish and game . . . . .	1912	318	577
152	Additional protection of fish and game . . . . .	1913	508	1317
153, repealed	Reports relating to shellfish . . . . .	1912	318	576
153, added	Close season established; penalties . . . . .	1912	318	579
153	Fish and game closes . . . . .	1913	508	1318
154, repealed	Leases for cultivation of shellfish; limitations . . . . .	1912	318	576
154, added	Disposal of game and fish seized . . . . .	1912	318	579
155, repealed	Collection of rents . . . . .	1912	318	576
155, added	Power to take fish . . . . .	1912	318	580
156, repealed	Settlement of disputes as to shellfish leases . . . . .	1912	318	576
156, added	Power to purchase fish eggs . . . . .	1912	318	580
157, repealed	Provisions for taxation . . . . .	1912	318	576
157, added	Power to acquire beaver, deer, moose, elk . . . . .	1912	318	580
158, repealed	Levy and payment of tax . . . . .	1912	318	576
158, added	Power to take birds and quadrupeds . . . . .	1912	318	580
159, repealed	Collection of tax . . . . .	1912	318	576
159, added	Certificate to collect for certain purposes . . . . .	1912	318	581
159	License for propagation and scientific purposes . . . . .	1913	508	1318
160, repealed	Sanitary inspection of oyster beds . . . . .	1912	318	576
160, added	Compilation of forest, fish and game law . . . . .	1912	318	581
160	Publication of fish and game laws . . . . .	1913	508	1319
161, repealed	Duties of state commissioner of health . . . . .	1912	318	576
161, added	Observance of rules and regulations, penalty . . . . .	1912	318	581
162, repealed	Sale of shellfish . . . . .	1912	318	576
163, repealed	Close season for oysters, Harlem river . . . . .	1912	318	576
164, repealed	Replanting Hudson river oysters . . . . .	1912	318	576

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Art. 5, pt. 2, schedule of sections	Game protectors.....	1913	508	1319
165, repealed	Taking oysters in South bay.....	1912	318	576
165, added	Game protectors; number and designation.....	1912	318	582
165	Game protectors; number and designation.....	1913	508	1320
166, repealed	Bluepoint oysters.....	1912	318	576
166, added	Rating of game protectors.....	1912	318	582
167, repealed	Oyster beds protected.....	1912	318	576
167, added	Game protectors' bonds.....	1912	318	582
168, repealed	Dredging and raking for shellfish.....	1912	318	576
168, added	Compensation of game protectors.....	1912	318	583
169, repealed	Clams and oysters about Staten Island.....	1912	318	576
169, added	Powers of game protectors.....	1912	318	583
170, repealed	Resident only to take shellfish.....	1912	318	576
170, added	Records and reports.....	1912	318	584
171, repealed	Polluting waters.....	1912	318	576
171, added	Special game protectors.....	1912	318	584
171	Special game protectors.....	1913	508	1320
172, repealed	Garbage; Long Island sound.....	1912	318	576
172, added	Powers of sheriffs and constables.....	1912	318	584
173, repealed	Recording and fees.....	1912	318	576
173, added	Suits against protectors.....	1913	508	1350
174, repealed	Penalties.....	1912	318	576
Art. 5, pt. 3, schedule of sections	Fish and game; taking, etc.....	1913	508	1320
175, repealed	Criminal jurisdiction of courts.....	1912	318	576
175, added	Ownership of fish and game.....	1912	318	585
176, repealed	Provisions of penal or civil code not affected.....	1912	318	576
176, added	Taking etc., of game and fish restricted.....	1912	318	585
176	Taking etc., of fish and game restricted.....	1913	508	1320
177, repealed	Definitions; fish and game.....	1912	318	576
177, added	Manner of taking fish and game.....	1912	318	586
177	Manner of taking fish and game.....	1913	508	1321
178, repealed	Codification of laws relating to fish and game.....	1912	318	576
178, added	Transportation of fish and game.....	1912	318	586
178	Transportation of fish and game.....	1913	508	1321
179, added	Transportation of fish and game, special.....	1912	318	587
179	Transportation, sale; special.....	1913	508	1323
180, added	Prohibited; sale of certain birds.....	1912	318	587
181, added	Presumptive evidence; possession.....	1912	318	588
181	Presumptive evidence; possession.....	1913	508	1323
182, added	Penalties; fish and game.....	1912	318	588
182	Penalties; fish and game.....	1913	508	1323
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185, added	Hunting and trapping license.....	1912	318	588
185	Hunting and trapping license.....	1913	508	1324
186, added	Non-resident trapping licenses.....	1912	318	592
186, repealed	Non-resident trapping licenses.....	1913	508	1350
187, added	Penalties; licenses.....	1912	318	592



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187 renumbered 186, and amended Art. 5, pt. 5, schedule of sec- tions	Penalties; licenses.....	1913	508	1327
190, added	Quadrupeds.....	1913	508	1327
190	Wild deer; open season, etc.....	1912	318	593
191, added	Wild deer; open season, etc.....	1913	508	1328
191	Possession of wild deer or venison.....	1912	318	593
192, added	Possession of wild deer or venison.....	1913	508	1328
192	Deer; open season, special.....	1912	318	594
193, added	Deer; open season, special.....	1913	508	1328
194, added	Dogs in forest preserve to be killed.....	1912	318	594
195, added	Wild moose; elk; caribou and antelope.....	1912	318	594
195	Squirrels; open season; limit.....	1912	318	594
196, added	Squirrels; open season; limit.....	1913	508	1329
196	Hares and rabbits; open season, etc.....	1912	318	594
197, added	Hares and rabbits; open season, etc.....	1913	508	1329
198, added	Beaver; closed season.....	1912	318	595
198	Mink, raccoon and sable; open season.....	1912	318	595
199, added	Mink, raccoon and sable; open season.....	1913	508	1329
199	Skunk.....	1912	318	595
200, added	Skunk.....	1913	508	1330
200	Propagation of skunks permitted.....	1912	318	595
201, added	Propagation of skunks permitted.....	1913	508	1330
201	Muskrat; open season.....	1912	318	595
201	Muskrat; open season.....	1913	147	264
202, added	Muskrat; open season.....	1913	508	1330
203, added	Land turtles.....	1912	318	595
203	Penalties; quadrupeds.....	1912	318	595
Art. 5, pt. 6, schedule of sec- tions	Penalties; quadrupeds.....	1913	508	1330
210, added	Birds.....	1913	508	1331
211, added	Game birds defined.....	1912	318	596
211	Water fowl; open season, etc.....	1912	318	597
212, added	Water fowl; open season, etc.....	1913	508	1331
213, added	Water fowl; open season; taking; special.....	1912	318	597
214, added	Rallidae; open season; limit.....	1912	318	597
214	Upland game birds; open season.....	1912	318	598
215, added	Upland game birds; open season, etc.....	1913	508	1331
215	Upland game birds; open season; limit; special.....	1912	318	598
216, added	Upland game birds; open season; limit; special.....	1913	508	1332
216	Shore birds; open season; limit.....	1912	318	598
217, added	Shore birds; open season; limit.....	1913	508	1332
218, added	Shore birds; open season; special.....	1912	318	598
219, added	Antwerp or homing pigeons.....	1912	318	599
220, added	Certain wild birds protected.....	1912	318	599
221, added	Destroying or robbing nests.....	1912	318	599
221	Snares, nets and traps.....	1912	318	599
222, added	Snares, nets and traps.....	1913	508	1332
223, added	Game shall not be taken; certain public lands.....	1912	318	599
223	Penalties; birds.....	1912	318	600
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Art. 5, pt. 7, schedule of sections	Fish . . . . .	1913	508	1333
230, added	Sale of minnows for bait . . . . .	1912	318	601
231, added	Bass; open season; limit . . . . .	1912	318	601
232, added	Trout; open season; limit . . . . .	1912	318	601
232	Trout; open season; limit . . . . .	1913	508	1333
233, added	Trout; open season; special . . . . .	1912	318	601
233, repealed	Trout; open season; special . . . . .	1913	508	1351
234, added	Lake trout and whitefish . . . . .	1912	318	601
234	Lake trout and whitefish . . . . .	1913	508	1334
235, added	Lake trout and whitefish . . . . .	1912	318	602
235	Lake trout and whitefish . . . . .	1913	508	1334
236, added	Pike perch; open season, etc . . . . .	1912	318	602
237, added	Pickrel and pike; open season, etc . . . . .	1912	318	602
238, added	Sturgeon; open season; size limit; sale of . . . . .	1912	318	602
239, added	Maskalonge; open season; size limit; sale of . . . . .	1912	318	602
240, added	Striped bass; size limit; sale of . . . . .	1912	318	602
241, added	Smelt or icefish; open season, etc . . . . .	1912	318	603
241	Smelt or icefish; open season, etc . . . . .	1913	508	1334
241a, added	Lake George, open seasons, special . . . . .	1913	583	1585
242, added	Stocking private waters prohibited . . . . .	1912	318	603
242	Stocking private waters prohibited . . . . .	1913	508	1335
243, added	Prohibited; disturbing certain fish while spawning . . . . .	1912	318	603
244, added	Prohibited; thumping . . . . .	1912	318	603
245, added	Prohibited; explosives . . . . .	1912	318	603
246, added	Obstructing streams prohibited . . . . .	1912	318	604
246	Obstructing streams prohibited . . . . .	1913	508	1335
247, added	Polluting streams . . . . .	1912	318	604
247	Polluting streams; prohibited . . . . .	1913	508	1335
248, added	Polluting waters of fish hatcheries prohibited . . . . .	1912	318	604
249, added	Drawing off water prohibited . . . . .	1912	318	604
249	Drawing off water prohibited . . . . .	1913	508	1335
250, added	Placing fish in certain waters prohibited . . . . .	1912	318	604
251, added	Fishing near fishways prohibited . . . . .	1912	318	605
252, added	Fishing through ice, certain waters, prohibited . . . . .	1912	318	605
252	Fishing through ice, certain waters, prohibited . . . . .	1913	508	1336
253, added	Tip-ups . . . . .	1912	318	605
253	Tip-ups . . . . .	1913	508	1336
254, added	Set and trap lines . . . . .	1912	318	605
254	Set and trap lines . . . . .	1913	508	1336
255, added	Spearing . . . . .	1912	318	605
255	Spearing . . . . .	1913	508	1336
256, added	Eel weirs and eel pots . . . . .	1912	318	605
257, added	Frogs . . . . .	1912	318	605
258, added	Penalties; fish . . . . .	1912	318	606
258	Penalties; fish . . . . .	1913	508	1336
Art. 5, pt. 8 schedule of sections	Nets and netting . . . . .	1913	508	1337
270, added	Nets to be licensed . . . . .	1912	318	607
270	Nets to be licensed . . . . .	1913	508	1337
271, added	Fish taken with nets . . . . .	1912	318	607
271	Fish taken with nets . . . . .	1913	508	1337

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272, added	Size of mesh . . . . .	1912	318	607
273, added	Hauling of nets regulated . . . . .	1912	318	607
273	Hauling of nets regulated . . . . .	1913	508	1338
274, added	Nets to be tagged and buoyed . . . . .	1912	318	608
275, added	Use of nets in certain waters prohibited . . . . .	1912	318	608
276, added	Nets in Lakes Erie and Ontario . . . . .	1912	318	608
276	Nets in Lakes Erie and Ontario . . . . .	1913	664	1752
277, added	Niagara river; nets . . . . .	1912	318	608
278, added	Nets in Chaumont bay and adjacent waters . . . . .	1912	318	608
278	Nets in Chaumont bay and adjacent waters . . . . .	1913	664	1753
279, added	Nets; Hudson and Delaware rivers, adjacent waters . . . . .	1912	318	609
280, added	Application of part 8 . . . . .	1912	318	609
281, added	Vessels to carry employees of commission . . . . .	1912	318	609
282, added	Nets to be destroyed . . . . .	1912	318	609
282	Nets to be destroyed . . . . .	1913	508	1338
283, added	Seizure of nets; regulations in certain counties . . . . .	1912	318	609
284, added	Penalties; nets and netting . . . . .	1912	318	610
284	Penalties; nets and netting . . . . .	1913	508	1338
Art. 5, pt. 9, schedule of sections	Fishways . . . . .	1913	508	1338
290, added	Notice of construction of dam . . . . .	1912	318	610
291, added	Fishways ordered . . . . .	1912	318	610
291	Fishways; penalties . . . . .	1913	508	1339
292, added	Power of commission to construct fishways . . . . .	1912	318	610
292, repealed	Power of commission to construct fishways . . . . .	1913	508	1351
293, added	Penalties; fishways . . . . .	1912	318	611
293, repealed	Penalties; fishways . . . . .	1913	508	1351
Art. 5, pt. 10, schedule of sections	Marine fisheries . . . . .	1913	508	1339
300, added	Marine district described . . . . .	1912	318	612
301, added	Bureau of marine fisheries . . . . .	1912	318	612
301	Bureau of marine fisheries . . . . .	1913	508	1340
302, added	Office and clerical force . . . . .	1912	318	612
302	Office and clerical force . . . . .	1913	508	1340
303, added	Reports relating to shellfish . . . . .	1912	318	613
304, added	Leases for cultivation of shellfish; limitations . . . . .	1912	318	613
305, added	Collection of rents . . . . .	1912	318	615
306, added	Settlement of disputes as to shellfish leases . . . . .	1912	318	615
307, added	Provisions for taxation . . . . .	1912	318	615
308, added	Shell fisheries; levy of tax, etc. . . . .	1912	318	616
308	Shell fisheries; levy of tax, etc. . . . .	1913	508	1341
309, added	Collection of tax . . . . .	1912	318	617
310, added	Sanitary inspection of shellfish grounds, etc. . . . .	1912	318	618
310	Sanitary inspection of shellfish grounds, etc. . . . .	1913	508	1342
310, subd. 1	Sanitary inspection of shellfish grounds . . . . .	1913	796	2204
311, added	Duties of state commissioner of health . . . . .	1912	318	619
312, added	Shellfish grounds, inspection, etc. . . . .	1912	318	619
312	Shellfish grounds, inspection, etc. . . . .	1913	508	1343
313, added	Prohibited sale of shellfish; conditions certified . . . . .	1912	318	620
314, added	Taking oysters in South bay . . . . .	1912	318	620
315, added	Blue point oysters . . . . .	1912	318	621

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316, added	Shellfish beds protected . . . . .	1912	318	621
317, added	Dredging and raking for shellfish . . . . .	1912	318	621
318, added	Scallops; size limit . . . . .	1912	318	621
318	Scallops; size limit . . . . .	1913	508	1344
319, added	Resident only to take shellfish . . . . .	1912	318	621
320, added	Starfish to be destroyed . . . . .	1912	318	621
321, added	Prohibited; taking lobsters under certain size . . . . .	1912	318	621
322, added	Size of openings in lobster traps . . . . .	1912	318	622
323, added	Residents only to take lobsters; certain waters . . . . .	1912	318	622
324, added	Licenses for vessels, etc. . . . .	1912	318	622
325, added	Polluting waters . . . . .	1912	318	623
326, added	Garbage not to be thrown in certain waters . . . . .	1912	318	623
327, added	Prohibited use of nets in inlets . . . . .	1912	318	623
328, added	Prohibited; nets in Harlem river, adjacent waters . . . . .	1912	318	624
329, added	Richmond county and Raritan bay . . . . .	1912	318	624
329	Richmond county and Raritan bay . . . . .	1913	54	92
330, added	Jamaica bay and adjacent waters . . . . .	1912	318	624
331, added	Size of mesh in Coney Island creek . . . . .	1912	318	624
332, added	Nets in Far Rockaway bay; Jones' Inlet and adjacent waters . . . . .	1912	318	625
332	Nets in Rockaway bay, Jones' inlet and adjacent waters . . . . .	1913	508	1344
333, added	Recording and fees . . . . .	1912	318	625
334, added	Supervisors of Nassau and Suffolk counties . . . . .	1912	318	625
335, added	Penalties; marine fisheries . . . . .	1912	318	625
335 renumbered 355, and amended	Penalties; marine fisheries . . . . .	1913	508	1344
Art. 5, pt. 11, schedule of sections	Private parks . . . . .	1913	508	1345
360, added	Laying out private parks . . . . .	1912	318	626
360	Laying out private parks . . . . .	1913	508	1345
361, added	Notices in private parks . . . . .	1912	318	626
361	Notices in private parks . . . . .	1913	508	1345
361	Notices in private parks . . . . .	1913	746	1877
362, added	Protection of private lands not parks . . . . .	1912	318	627
362	Protection of private lands not parks . . . . .	1913	508	1345
363, added	Private parks; notices furnished . . . . .	1912	318	627
363, repealed	Private parks; notices furnished . . . . .	1913	508	1351
364, added	Signs not to be defaced . . . . .	1912	318	627
364	Signs not to be defaced . . . . .	1913	508	1346
365, added	Fish and game protected . . . . .	1912	318	627
365	Fish and game protected . . . . .	1913	508	1346
366, added	Penalties; private parks . . . . .	1912	318	627
366	Penalties; private parks . . . . .	1913	508	1346
Art. 5, pt. 12, schedule of sections	Breeding, importation and sale of fish and game . . . . .	1913	508	1346
370, added	Fish; transportation, sale, etc. . . . .	1912	318	628
370	Fish; transportation, sale, etc. . . . .	1913	508	1346
371, added	Sale of trout raised in private hatcheries . . . . .	1912	318	628

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372, added	Breeding of elk, deer, pheasants, ducks.....	1912	318	629
372	Breeding of elk, deer, pheasants, ducks.....	1913	508	1347
373, added	Mammals and birds; importation and sale.....	1912	318	631
373	Mammals and birds; importation and sale.....	1913	508	1349
374, added	Fees.....	1912	318	632
375, added	Storage of fish.....	1912	318	632
376, added	Penalties; breeding, etc., of fish and game.....	1912	318	633
376	Penalties; breeding, etc., of fish and game.....	1913	508	1350
380, added	Defintions.....	1912	318	633
380, subd. 7	Game defined.....	1913	508	1350
380, subd. 8	Wild game and game protected by law.....	1913	508	1350
380, subd. 17	Pikeperch defined.....	1913	508	1350
381, added	Application of art. 5.....	1912	318	635
381	Application of art. 5.....	1913	508	1350
382, added	Construction of art. 5.....	1912	318	635
382	Construction of art. 5.....	1913	508	1350
383, added	Schedule of laws repealed.....	1912	318	636
383 renumbered				
L. 1912, ch.				
318, § 2	Schedule of laws repealed.....	1913	508	1351
384, added	Laws repealed; time of taking effect.....	1912	318	636
384, renumbered				
L. 1912, ch.				
318, § 3	Laws repealed; time of taking effect.....	1913	508	1351
524	Water supply used in other states.....	1913	469	983
Art. 9a, (§§ 530-539), added	Union water districts.....	1913	233	406
<b>COUNTY LAW:</b> (L. 1909, ch. 16, constituting cons. laws, ch. 11.)				
10	County clerks, certain counties.....	1910	279	505
10	Board of supervisors, chairman.....	1911	250	635
10	Board of supervisors, chairman.....	1912	193	340
12, subd. 5	Powers of boards of supervisors.....	1911	359	827
12, subd. 5	Powers of board of supervisors.....	1913	742	1863
12, subd. 16	Supervisors in Erie county.....	1909	477	1162
12, subd. 26, added	Authorizing town to borrow money.....	1910	141	254
12, subd. 26	Authorizing municipalities and districts to borrow money.....	1913	351	649
12, subd. 27, added	Societies for the prevention of cruelty to children...	1911	545	1225
12, subd. 27, added	Societies for the prevention of cruelty to animals...	1911	663	1747
12, subd. 27, re-numbered subd. 28	Societies for prevention of cruelty to animals.....	1912	148	271
12, subd. 28, added	Appropriation and tax for agricultural purposes.....	1912	35	54
12, subd. 28, added	Side-path funds.....	1912	194	341

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<b>COUNTY LAW — (<i>Continued</i>).</b>				
12, subd. 29, added	Maintenance of persons in state charitable institution.	1912	148	271
12, subd. 29, added	Expenses of district attorney.....	1912	235	450
12, subd. 30, added	Maintenance of county buildings.....	1912	235	450
19	Printing and distribution of proceedings of supervisors	1913	256	457
23	Compensation of supervisors, certain counties.....	1910	279	508
23	Compensation of supervisors, Rockland county.....	1911	554	1258
23	Compensation of supervisors, Dutchess county.....	1912	34	52
23	Compensation of supervisors, Niagara county.....	1913	254	449
23	Expenses of supervisors, Saint Lawrence county.....	1913	355	660
35	Alteration and erection of towns.....	1911	250	635
38	Fire districts in two or more counties.....	1909	405	869
38, subds. 8, 9	Fire districts.....	1910	115	176
38, subd. 11, added	Fire districts.....	1913	127	209
42	Expenses of courts of record.....	1913	394	834
45, added	Establishment of hospitals for tuberculosis.....	1909	341	641
45	County hospitals for tuberculosis, establishment.....	1913	166	305
45, subd. 2	County hospitals for tuberculosis, buildings.....	1913	379	815
46, added	Appointments, terms of office of managers.....	1909	341	642
47, added	General duties and powers of managers.....	1909	341	642
47, subd. 6	County hospitals for tuberculosis.....	1913	40	66
47, subd. 8, added	County hospitals for tuberculosis; buildings.....	1913	379	815
48, added	County hospitals for tuberculosis.....	1909	341	643
48, subd. 5	County hospitals for tuberculosis; superintendent...	1912	149	272
48, subd. 5	County hospitals for tuberculosis; superintendent...	1912	239	456
48, subd. 5	County hospitals for tuberculosis; superintendent...	1913	379	815
49, added	County hospitals for tuberculosis.....	1909	341	645
49a, added	County hospitals for tuberculosis.....	1909	341	646
49a	County hospitals for tuberculosis.....	1912	149	272
49a	County hospitals for tuberculosis.....	1912	239	456
49a	County hospitals for tuberculosis; patients.....	1913	397	816
49b-49e, added	County hospitals for tuberculosis.....	1909	341	646
49e	County hospitals for tuberculosis; almshouses.....	1913	379	816
61	County highways and bridges.....	1909	240	379
117	Injuries to sheep, etc., by dogs.....	1912	200	362
133	Seizure of dogs.....	1913	629	1680
162	Special deputy county clerks.....	1911	727	1950
163a, added	Duties of assistants to county clerks.....	1913	368	676
165	Hours, Westchester county offices.....	1909	199	316
168	Register of moneys paid into court.....	1910	160	283
169	Special deputy clerks, Queens county.....	1910	694	2007
169	Special deputy clerks, certain counties.....	1913	109	180
169	Special deputy clerks, certain coounties.....	1913	367	675
169	Special deputy clerks, certain counties.....	1913	637	1690
180, subd. 1	Reduction of number of coroners.....	1912	91	163
194	Employment of stenographers by coroners.....	1910	158	282
195, subd. 4	Sheriffs.....	1910	418	759
203	District attorney, Niagara county.....	1911	95	139
203	Assistant district attorney; district attorney's stenographer, Niagara county.....	1912	544	1120



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215, added	Appointment of county auditors.....	1910	152	275
216, added	Duties of county auditors.....	1910	152	275
216	Duties of county auditors.....	1913	384	822
232, subd. 1	Salaries of county judge and surrogate, Albany county.	1912	549	1360
232, subd. 14	Salaries of county judge and surrogate, Erie county.	1912	37	57
232, subd. 16	Salary of county judge, Franklin county.....	1913	436	913
232, subd. 22	Salary of surrogate, Jefferson county.....	1910	281	509
232, subd. 23	Salary of surrogate, Kings county.....	1911	413	941
232, subd. 27	Salaries of county judge and surrogate, Monroe county	1912	549	1360
232, subd. 29	Salaries of county judge and surrogate, Nassau county.	1910	300	539
232, subd. 31	Salary of surrogate, Oneida county.....	1911	203	476
232, subd. 41	Salary of county judge, Richmond county.....	1911	413	941
232, subd. 58	Salary of surrogate, Westchester county.....	1912	549	1360
232, subd. 61	Salaries of county judge and surrogate, Nassau county	1910	300	539
232, subd. 62, added	Salary of surrogate, Kings county.....	1911	413	941
232, subd. 63, added	Salary of county judge, Richmond county.....	1911	413	941
232, subd. 64, added	Salaries of county judge and surrogate, Erie county..	1912	37	58
232, subd. 64, added	Expenses of surrogate, Chautauqua county.....	1912	92	163
232, subd. 65, added	Salaries of certain county judges and surrogates....	1912	549	1331
232, subd. 66	Salary of county judge, Franklin county.....	1913	436	914
233	Salaries and expenses of county judges.....	1909	122	193
233	Salaries and expenses of county judges.....	1909	228	358
234, added	County comptroller.....	1909	466	1116
235, added	County comptroller.....	1909	466	1117
235	County comptroller.....	1910	8	12
236-239, 239a, added	County comptroller.....	1909	466	1119
240, subd. 4	Compensation of court criers.....	1910	34	51
241a, added	Compensation of supervisors and assessors attending tax meetings.....	1911	51	72
250, added	Expenses of peace officers for injuries.....	1912	95	165
<b>DEBTOR AND CREDITOR LAW:</b> (L. 1909, ch. 17, constituting cons. laws, ch. 12.)				
Art. 2	Schedule of sections.....	1909	240	379
189	Distribution of moneys.....	1909	240	379
<b>DECEDENT ESTATE LAW:</b> (L. 1909, ch. 18, constituting cons. laws, ch. 13.)				
Art. 2	Schedule of sections.....	1909	240	380
13, repealed	Devise of real property to aliens.....	1913	153	270
18-20, repealed	Devise or bequest to certain corporations.....	1911	857	2399
29	Devise or bequest not to lapse.....	1912	384	739



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<b>DECEDENT ESTATE LAW — (<i>Continued</i>).</b>				
44	Recording foreign will.....	1909	240	380
45	Authentication of foreign wills.....	1909	304	571
47	Validity and effect of testamentary disposition.....	1911	244	614
48, added	Application of certain sections.....	1909	240	381
98, subd. 12	Representation among collaterals.....	1909	240	380
98, subd. 15a, added	Distribution of personal property.....	1913	489	1169
98, subd. 16	Distribution of personal property.....	1913	489	1169
103	Action against husband for debts of deceased wife...	1909	240	381
104, added	Application of certain sections.....	1909	240	381
120 renumbered				
122	Appraisal of estate.....	1909	240	382
120, added	Actions by or against executors, etc.....	1909	240	381
121, added	Action by executor of executor.....	1909	240	382
Schedule of re- peals	R. S., pt. 3, ch. 8, tit. 3, §§ 1, 2, 11, inserted.....	1909	240	422
Schedule of re- peals	L. 1904, ch. 106, inserted.....	1909	240	424
<b>DOMESTIC RELATIONS LAW:</b> (L. 1909, ch. 19, constituting cons. laws, ch. 14.)				
11	Solemnization of marriages.....	1911	610	1384
11	Solemnization of marriages.....	1912	166	302
11	Solemnization of marriages.....	1913	490	1170
14	Marriage licenses.....	1912	216	382
15	Marriage licenses; consents of parents.....	1912	241	458
19	Marriage licenses; search of records.....	1912	241	460
111, subd. 3	Necessary consent for adoption of minors.....	1913	569	1549
116	Abrogation of voluntary adoption.....	1910	154	277
116	Abrogation of voluntary adoption.....	1913	38	63
<b>DRAINAGE LAW:</b> (L. 1909, ch. 20, constituting cons. laws, ch. 15.)				
Art. 2	Title.....	1910	624	1596
2	Petition for drainage.....	1910	624	1592
4	Proceedings on petition.....	1910	624	1593
10	Commissioners.....	1910	624	1593
12	Survey and maps.....	1910	624	1594
12	Survey and maps.....	1913	613	1636
18	Condemnation of land.....	1910	624	1595
19	Application of art. 2.....	1910	624	1595
40	Nonpayment of assessments.....	1909	240	382
67	Notice of assessments.....	1909	240	382

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	<b>EDUCATION LAW:</b> (L. 1909, ch. 21, constituting cons. laws, ch. 16.)			
2	Definitions . . . . .	1909	240	384
381	Property to be assessed for school taxes . . . . .	1909	415	899
383	Determination of values . . . . .	1909	415	899
387a, added	School taxes, Rockland county . . . . .	1909	263	460
462, added	Moneys for training of teachers . . . . .	1909	406	874
530, repealed	Compulsory education . . . . .	1909	409	880
531-538 renum- bered 530-538, and amended	Compulsory education . . . . .	1909	409	880
641	Regulations for training classes . . . . .	1909	406	875
962, added	Sewers through lands of State School for Blind . . . . .	1910	53	91
1061	Librarian, Barnard Memorial Library . . . . .	1909	141	218
1121, subds. 1, 2	Trustees, Cornell University . . . . .	1909	404	867
1182	State School of Agriculture at Morrisville . . . . .	1909	252	443
Schedule of re- peals	L. 1909, ch. 1, inserted . . . . .	1909	240	425
All	Generally revised and amended . . . . . (Section numbers, etc., hereafter given are those of this amendatory act.)	1910	140	254
63, repealed	Dissolution of educational corporations . . . . .	1911	860	2402
63, added	Dissolution of educational corporations . . . . .	1911	860	2402
69, subd. 1	Water-works and sewer systems of colleges . . . . .	1913	422	887
70-74, added	Scholarships for students in colleges . . . . .	1913	292	527
75, added	Scholarships for students in colleges . . . . .	1913	292	529
75	Scholarships for students in colleges . . . . .	1913	437	914
76, 77, added	Scholarships for students in colleges . . . . .	1913	292	529
99, added	Reports, etc., filed with commissioner of education . . . . .	1911	159	252
121	Formation of new school district . . . . .	1912	294	534
130, repealed	Division of school district; two villages . . . . .	1911	334	774
130, added	Consolidation of districts . . . . .	1913	129	212
131, repealed	Method and result of election . . . . .	1911	334	774
131, added	Request for meeting to consolidate; notices . . . . .	1913	129	213
132, repealed	Apportionment of indebtedness . . . . .	1911	334	774
132, added	Proceedings at meeting to consolidate . . . . .	1913	129	214
133 renumbered				
134a, and amended	Bonded indebtedness of certain dissolved districts . . . . .	1913	129	215
133, added	Order creating consolidated district . . . . .	1913	129	214
134, repealed	Temporary attendance of pupils . . . . .	1911	334	774
134, added	District quotas of consolidated districts . . . . .	1913	129	215
Art. 6a (§§ 175- 179), added	Temporary school districts . . . . .	1913	176	322
190	Notice of first meeting of district . . . . .	1913	129	216
194	Time of school district meetings . . . . .	1910	442	825
194	Time of school district meetings . . . . .	1913	440	917
195	Annual meetings of reformed districts . . . . .	1913	129	216
206, subd. 5	School district treasurer . . . . .	1910	442	826
206, subds. 7, 8	Use of school buildings and grounds . . . . .	1913	221	386
224, subd. 4	School year defined . . . . .	1910	442	827

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225	Terms of officers of newly created district.....	1913	129	216
275, subds. 4, 8, 18	Use of school buildings and grounds.....	1913	221	386
301, subd. 2	Union free school district trustees.....	1910	442	827
303, subd. 6	School district meetings.....	1910	442	825
306	Boards of education, annual meetings.....	1911	830	2337
310, subds. 6, 15	Use of school buildings and grounds.....	1913	221	387
310, subd. 21, added	Medical inspection of children.....	1910	602	1445
310, subd. 21	Medical inspection of children.....	1912	215	381
321	Records and reports of boards of education.....	1910	442	827
365	Report by supervisors to district superintendents....	1913	130	217
Art. 14	District superintendents.....	1910	607	1545
380-394	District superintendents.....	1910	607	1545
395	Powers and duties of district superintendents.....	1910	607	1551
395, subd. 2	Conferences for teachers.....	1913	511	1354
396-398	District superintendents.....	1910	607	1545
410	Assessment of school taxes.....	1911	830	2338
427-431	Payment of school taxes by certain corporations.....	1913	216	380
435	Unpaid school taxes.....	1910	284	512
440, subd. 2	School tax on state lands, Dutchess county.....	1911	593	1357
455	Use of school buildings and grounds.....	1913	221	388
463	Use of school buildings and grounds.....	1913	221	389
464	Acquisition of sites for schoolhouses.....	1911	782	2088
467, subds. 1, 3	Use of school buildings and grounds.....	1913	221	389
480, subd. 1	Use of school buildings and grounds.....	1913	221	390
492, subd. 2	Apportionment of funds; common schools.....	1913	511	1354
492, subd. 4, re-numbered 3, and amended	Time, how computed.....	1913	511	1354
493, subd. 6	Apportionment of funds for non-resident pupils.....	1912	276	505
493, subd. 6	Apportionment of funds for non-resident pupils.....	1913	399	842
494	Apportionment and payment of school moneys.....	1912	77	121
496	Certificate of apportionment of school moneys.....	1912	77	122
498	Apportionment of school moneys.....	1913	130	217
561, subd. 2, amended; subd. 3, added	Contracts for employment of teachers.....	1910	442	826
Art. 20a (§§ 570-577), added	Medical inspection.....	1913	627	1675
600, 601, 603-606	Vocational instruction.....	1913	747	1878
621	Compulsory education, blind children.....	1911	710	1911
621, subd. 2	Compulsory education.....	1913	511	1355
622	Attendance at evening school.....	1913	748	1882
627	Display of certificates.....	1913	748	1884
628	Unlawful employment of children.....	1913	748	1885
630, subd. 1	School-record certificates.....	1913	101	171
631	Evening, part-time or continuation school certificate.	1913	748	1884
832, subd. 2	State Normal College.....	1913	511	1357
972	Kindergarten training of blind children.....	1912	60	96
973, subd. 2	Terms of instruction for blind children.....	1912	60	97
973, subd. 2	Terms of instruction for blind children.....	1912	223	405

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976	Aid for blind and deaf students . . . . .	1913	175	321
979, 980	Tuition and maintenance of deaf-mute children . . . . .	1910	322	568
1031, subd. 2	Cornell University trustees . . . . .	1912	248	467
1031, subd. 2	Cornell University trustees . . . . .	1913	423	888
1031, subd. 3	Cornell University trustees . . . . .	1912	248	468
1050, 1052, amended; 1053, added	St. Lawrence University . . . . .	1910	433	828
Art. 41a (§§ 1055- 1060), added	State school of agriculture, Delhi . . . . .	1913	675	1770
1075-1078, added	State school of agriculture, Cobleskill . . . . .	1911	852	2385
1094, added	Morrisville agricultural school, condemnation pro- ceedings authorized . . . . .	1912	27	43
1095, added	Retirement fund for teachers in state institutions . . . . .	1910	441	823
1095	Retirement fund for teachers in state institutions . . . . .	1912	293	533
1096, added	Retirement fund for teachers in state institutions . . . . .	1910	441	823
1097, added	Retirement fund for teachers in state institutions . . . . .	1910	441	824
1097	Retirement fund for teachers in state institutions . . . . .	1912	293	533
1098, added	Retirement fund for teachers in state institutions . . . . .	1910	441	824
1098	Retirement fund for teachers in state institutions . . . . .	1912	293	534
1099, added	Retirement fund for teachers in state institutions . . . . .	1910	441	824
1099a, added	Employment of retired teachers . . . . .	1913	631	1683
1100, added	Definitions . . . . .	1911	449	1060
1100	Definitions . . . . .	1913	511	1355
1101-1107, added	State teachers' retirement fund . . . . .	1911	449	1006
1108, added	State teachers' retirement fund . . . . .	1911	449	1010
1108	State teachers' retirement fund . . . . .	1913	511	1356
1108a, 1109, 1109a, 1109b, added	State teachers' retirement fund . . . . .	1911	449	1010
1109c, added	Annuities from teachers' retirement fund . . . . .	1913	509	1351
1118	Establishment of county libraries . . . . .	1911	815	2311
1163	Appellate division, first department, law library . . . . .	1911	832	2340
1166	Supreme court library, New York city . . . . .	1911	832	2340
1166	Supreme court library, New York city . . . . .	1913	512	1357
1177	Supreme court library, Buffalo . . . . .	1911	58	78
1180, added	Supreme court library, Queens county . . . . .	1911	557	1262
1180, added	New York city court, law library . . . . .	1911	824	2330
Art. 45a (§§ 1185- 1188), added	State school of agriculture on Long Island . . . . .	1912	319	637
Art. 46 (§§ 1190- 1192), renum- bered art. 47 (§§ 1200-1202)	Schedule of laws repealed . . . . .	1913	424	893
Art. 46 (§§ 1190- 1198), added	Divisions of history and public records . . . . .	1913	424	889
Art. 46, renum- bered art. 47	Laws repealed; when to take effect . . . . .	1913	676	1774
Art. 46 (§§ 1190- 1193), added	New York-American Veterinary College . . . . .	1913	676	1774
1190 renumbered 200	Laws repealed ( <i>See foot note, L. 1913, p. 1774</i> ) . . . . .	1913	676	1774

I. CHANGES IN THE CONSOLIDATED LAWS, 1909-1913 — (*Continued*).

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<b>EDUCATION LAW — (<i>Continued</i>).</b>				
1190, added	New York-American Veterinary College.....	1913	676	1774
1191 renumbered 201	Saving clause ( <i>See foot note, L. 1913, p. 1774</i> ).....	1913	676	1774
1191, added	New York-American Veterinary College.....	1913	676	1775
1192 renumbered 202	When to take effect ( <i>See foot note, L. 1913, p. 1774</i> )..	1913	676	1774
1192, added	New York-American Veterinary College.....	1913	676	1775
1193, added	New York-American Veterinary College.....	1913	676	1775
<b>ELECTION LAW:</b> (L. 1909, ch. 22, constituting cons. laws, ch. 17.)				
Schedule of articles	Generally.....	1911	891	2657
Schedule of articles	Generally.....	1913	800	2211
Art. 1, schedule of sections	Generally.....	1911	891	2658
Art. 2, tit. 2	Definitions.....	1911	649	1666
2, added	Definitions.....	1911	649	1666
2 renumbered 3, and amended	Application of certain articles.....	1911	891	2658
2, subd. 8	Definitions.....	1911	891	2658
2, subd. 13	Party, defined.....	1911	872	2576
3, repealed	"Independent body" defined.....	1911	872	2576
Art. 2, schedule of sections	Notice of primary.....	1911	891	2726
4, repealed	Enrollment of voters.....	1911	891	2661
5, repealed	Organization and conduct of primaries.....	1911	891	2726
6, repealed	Qualifications of voters at primaries.....	1911	891	2726
7, repealed	Duties of chairman of primary.....	1911	891	2726
9, added	Watchers; canvass of votes at primary.....	1911	891	2726
13, added	Delivery of enrollment blanks, registration not personal.....	1911	891	2666
14a, added	Certification and secrecy of enrollment, registration not personal.....	1911	891	2668
15, added	Correction of enrollment lists.....	1912	52	80
15	Enrollment in 1911.....	1911	891	2670
20, repealed	Enrollment for new political party.....	1913	587	1590
21, repealed	Application of art. 3.....	1911	891	2726
22 renumbered 4, and amended	Definitions and construction.....	1911	649	1724
22	Delivery of enrollment books.....	1911	891	2661
22	Publication of enrollment.....	1913	587	1592
23 renumbered 5, and amended	Publication of enrollment.....	1913	800	2212
24, repealed	Enrollment books.....	1911	891	2662
25 renumbered 6, and amended	Enrollment books, certain cities.....	1911	891	2726
26 renumbered 7, and amended	Voting booths and enrollment boxes.....	1911	891	2662
27 renumbered 8, and amended	Enrollment blanks, and envelopes.....	1911	891	2663
	Delivery of enrollment blanks.....	1911	891	2665

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	<b>ELECTION LAW — (<i>Continued</i>).</b>			
28 renumbered 10, and amended 29 renumbered 11, and amended 30 renumbered 12, and amended	Enrollment.....	1911	891	2666
	Enrollment boxes.....	1911	891	2667
31 renumbered 14, and amended 32, repealed 33, repealed 34, repealed Art. 3, schedule of sections 35, repealed 35, added 36 renumbered 16, and amended 36, added 36	Certification and secrecy of enrollment, registration personal.....	1911	891	2667
	Opening of enrollment box.....	1911	891	2669
	Special enrollment.....	1911	891	2726
	Special enrollment for annexed territory.....	1911	891	2726
	Special enrollment upon becoming of age.....	1911	891	2726
	Party organization.....	1911	891	2677
	Special enrollment after moving.....	1911	891	2726
	Party committees.....	1911	891	2677
	Duplicate enrollment books.....	1911	891	2671
	State committee.....	1911	891	2678
	State committee.....	1912	4	8
37 renumbered 17, and amended 37, added 37	Duplicate enrollment books at unofficial primaries...	1911	891	2671
	Election of committees.....	1911	891	2679
	Election of committees.....	1912	4	9
38 renumbered 18, and amended 38, added	Original enrollment books at official primaries.....	1911	891	2671
39 renumbered 19, and amended 39, added 39	Organization and rules of committees.....	1911	891	2680
	Right to enroll and vote at primaries.....	1911	891	2672
	Review of election of committees.....	1911	891	2680
	Review of election of committees.....	1912	4	10
40 renumbered 20 40, added	New enrollment books for changed districts.....	1911	891	2672
	Removal of member of committee.....	1911	891	2681
41 renumbered 21, and amended 42 renumbered	Transcripts of enrollment.....	1911	891	2673
22 and amended 43 renumbered 23, and amended 44 renumbered 24, and amended Art. 4, schedule of sections 45, repealed 45, added 45, subd. 4 46, repealed 46, added 47 renumbered 73, and amended 47, added	Publication of enrollment.....	1911	891	2673
	Judicial review of enrollment.....	1911	891	2674
	Correction of enrollment.....	1911	891	2676
	Generally.....	1911	891	2681
	Times and purposes of official primaries.....	1911	891	2726
	Direct nominations, election of delegates.....	1911	891	2681
	Official primary elections.....	1909	240	385
	Congressional primaries.....	1911	891	2726
	Designations by party committees.....	1911	891	2682
	Expense of official primaries.....	1911	891	2696
	Meetings of committees for designations.....	1911	891	2686

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<b>ELECTION LAW — (<i>Continued</i>).</b>				
48 renumbered	Primary districts, officers and polling places.....	1911	891	2697
74, and amended	Designation by petition.....	1911	891	2684
48, added				
49 renumbered	Notice of official primary.....	1911	891	2698
75, and amended	Filing of designations.....	1911	891	2686
49, added				
50 renumbered	Unofficial primaries.....	1911	891	2712
92, and amended	Declinations.....	1911	891	2687
50, added	Restrictions as to place of primaries.....	1911	891	2699
51 renumbered 76	Certification by secretary of state.....	1911	891	2687
51, added	Primary election officers.....	1911	891	2726
52, repealed	Vacancies how filled.....	1911	891	2687
52, added	Appointment and removal, primary election officers..	1911	891	2726
53, repealed	Delegates to national conventions.....	1911	891	2689
53, added	Delegates to national conventions.....	1912	4	10
53	Chairman; inspectors; oath.....	1911	891	2726
54, repealed	Presidential electors.....	1911	891	2689
54, added	Ballots, booths and supplies.....	1911	891	2726
55, repealed	Existing committees continued.....	1911	891	2690
55, added	Existing committees continued.....	1912	4	11
55	Existing committees continued.....	1913	587	1593
56, repealed	Voting at official primary elections.....	1911	891	2726
56, added	Contest; judicial review.....	1911	891	2690
57 renumbered 72	Challenges at primaries.....	1911	891	2696
57, added	Emblems.....	1911	891	2691
58 renumbered				
83, and amended	Persons within guard-rail.....	1911	891	2704
58, added	Official primary ballot.....	1911	891	2692
58	Official primary ballot.....	1913	800	2212
59 renumbered				
84, and amended	Watchers; challengers; electioneering.....	1911	891	2704
60 renumbered				
85, and amended	Canvass of votes.....	1911	891	2705
61	Proclamation of result.....	1909	240	385
61 renumbered				
87, and amended	Proclamation of result.....	1911	891	2709
62 renumbered				
88, and amended	Certificates of election; preservation of ballots.....	1911	891	2709
63, repealed	Canvass, statement of result.....	1911	891	2726
64, repealed	Committees; rules and regulations of parties.....	1911	891	2726
65, repealed	Organization of committees.....	1911	891	2726
66 renumbered				
111, and amended	Apportionment of delegates.....	1911	891	2714
67 renumbered				
112, and amended	Organization of conventions.....	1911	891	2715
68, repealed	Contested seats.....	1911	891	2726
69, repealed	Substitution of delegates.....	1911	891	2726
Art. 4a, schedule				
of sections, added	Conduct of primary elections.....	1911	891	2695
70, repealed	Jurisdiction of courts.....	1911	891	2726
70, added	Organization and conduct of official primaries.....	1911	891	2695
71, repealed	Direct nomination at primary elections.....	1911	891	2726
71, added	Qualifications of voters at official primaries.....	1911	891	2696



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<b>ELECTION LAW — (<i>Continued</i>).</b>				
72, repealed	Application of art. 3 to political parties.....	1911	891	2726
73, repealed	Application of art. 3 to certain cities.....	1911	891	2726
74 renumbered				
94, and amended	Perjury.....	1911	891	2713
77, added	Vacancies, boards of primary election officers.....	1911	891	2699
78, added	Primary poll-clerks.....	1911	891	2699
79, added	Ballots, booths and supplies.....	1911	891	2700
80, added	Delivery of ballots and manner of voting.....	1911	891	2702
81, added	Unofficial ballots at primary elections.....	1911	891	2703
82, added	Preparation of ballots by voters.....	1911	891	2703
86, added	Intent of voters.....	1911	891	2706
89, added	Canvass; certificates of nomination or election.....	1911	891	2710
90, repealed	Territory excepted from art. 4.....	1911	891	2726
90, added	Vacancies; determination of tie vote.....	1911	891	2711
91, repealed	Application of art. 4.....	1911	891	2726
91, added	Party nominations for special elections and vacancies.....	1911	891	2712
92, repealed	Enrollment books.....	1911	891	2726
93, repealed	Entries in enrollment books.....	1911	891	2726
93, added	Penalty for violation of certain provisions.....	1911	891	2713
94, repealed	Special enrollments.....	1911	891	2726
95, repealed	Special enrollment upon becoming of age.....	1911	891	2726
96, repealed	Special enrollment after moving.....	1911	891	2726
97, repealed	County clerks to compile enrollment lists.....	1911	891	2726
98, repealed	Enrollment lists, when to take effect.....	1911	891	2726
99, repealed	Who may be enrolled.....	1911	891	2726
100, repealed	Enrollment lists and statements to be public records.....	1911	891	2726
101, repealed	Conduct of primary elections.....	1911	891	2726
102, repealed	Judicial review.....	1911	891	2726
103, repealed	Expenses of enrollment lists.....	1911	891	2726
104, repealed	Penalty.....	1911	891	2726
Art. 4b, schedule				
of sections, added	Conventions.....	1911	891	2714
110, added	Vacancy, delegate to convention at official primary.....	1911	891	2714
111, subd. 2	Election of delegates.....	1912	4	11
113, added	State conventions; credentials of delegates.....	1911	891	2715
114, added	Voting at state conventions.....	1911	891	2716
120, repealed	Party nominations.....	1911	891	2726
121	Party certificates of nominations.....	1911	891	2716
122	Independent nominations.....	1911	891	2717
122	Independent nominations.....	1913	800	2216
123	Independent certificates of nomination.....	1911	649	1668
125	Conflict in names or emblems.....	1911	649	1670
127	Places of filing certificates of nomination.....	1911	891	2718
128	Times of filing certificates of nomination.....	1911	891	2719
129	Certification of nominations by secretary of state.....	1911	891	2719
130	Publication of nominations.....	1911	891	2720
131	Lists for town clerks and aldermen.....	1911	891	2721
133	Declination of nomination.....	1911	891	2721
134	Objections to certificates of nomination.....	1911	649	1670
135	Filling vacancies in nominations.....	1911	891	2722
136	Certificates of new nominations.....	1911	891	2723
137	Death of candidate; official pastors.....	1911	891	2723

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150	Meetings for registration . . . . .	1911	649	1671
150	Meetings for registration . . . . .	1913	800	2216
151, repealed	Additional meetings for registration . . . . .	1911	649	1724
152	Registration . . . . .	1910	428	790
152	Registration . . . . .	1911	649	1671
153	Registration . . . . .	1911	649	1672
153	Registration . . . . .	1911	740	1974
155	Registration . . . . .	1910	428	790
155	Registration . . . . .	1911	649	1673
156, repealed	Registration . . . . .	1911	649	1724
157	Registration . . . . .	1911	649	1676
157	Registration . . . . .	1913	800	2217
158-160	Registration . . . . .	1911	649	1677
161	Registration for village elections . . . . .	1910	424	784
169	Challenging applicants for registration . . . . .	1910	428	795
169	Challenging applicants for registration . . . . .	1911	649	1680
170, 171	Challenging applicants for registration . . . . .	1911	649	1681
180	Custody of registers after election . . . . .	1911	649	1682
181	Certifying number of registered electors . . . . .	1911	649	1682
184	Penalties . . . . .	1913	587	1593
Art. 7, tit.	Boards of elections . . . . .	1911	649	1683
190	Boards of elections . . . . .	1911	649	1683
190	Boards of elections . . . . .	1911	740	1976
190	Boards of elections . . . . .	1912	406	789
190	Boards of elections . . . . .	1913	800	2218
191	Boards of elections, appointment, etc . . . . .	1911	649	1683
192	Boards of elections, organization; reports . . . . .	1911	649	1684
193	Salaries, commissioners of elections . . . . .	1911	649	1685
193	Salaries, commissioners of elections . . . . .	1912	406	789
193	Salaries, commissioners of elections . . . . .	1913	800	2220
194	Commissioners of elections, appointment . . . . .	1911	649	1685
195	Boards of elections, vacancies . . . . .	1911	649	1686
196	Boards of elections, bi-partisan . . . . .	1911	649	1686
197	Boards of elections, employees . . . . .	1911	649	1687
197	Boards of elections, employees . . . . .	1912	406	790
197	Boards of elections, employees . . . . .	1913	800	2220
198	Boards of elections, offices . . . . .	1911	649	1687
200	Boards of elections, expenses . . . . .	1911	649	1687
202, added	Custodian of primary records . . . . .	1911	649	1688
203, added	Official seal of board of election . . . . .	1911	649	1688
204, added	Filing statements of canvass, etc . . . . .	1911	649	1688
205, added	Notices of elections . . . . .	1911	649	1689
206, added	Transfer of records . . . . .	1911	649	1689
207, added	Boards of elections, rules and regulations . . . . .	1911	649	1689
208, added	Records . . . . .	1911	649	1689
210-215, repealed	Commissioner of elections, Erie county . . . . .	1911	649	1724
216	Seal for commissioner of elections, Erie county . . . . .	1910	433	811
216, repealed	Commissioner of elections, Erie county . . . . .	1911	649	1724
217, repealed	Commissioner of elections, Erie county . . . . .	1911	649	1724
218	Commissioner of elections, Erie county . . . . .	1910	431	807
218, repealed	Commissioner of elections, Erie county . . . . .	1911	649	1724

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219	Commissioner of elections, Erie county.....	1910	431	807
219, repealed	Commissioner of elections, Erie county.....	1911	649	1724
220, repealed	Commissioner of elections, Erie county.....	1911	649	1724
221	Commissioner of elections, Erie county.....	1910	431	807
221, repealed	Commissioner of elections, Erie county.....	1911	649	1724
230-242, repealed	Commissioner of elections, Monroe county.....	1911	649	1724
250-252, repealed	Commissioner of elections, Onondaga county.....	1911	649	1724
253	Official seal of commissioner of elections, Onondaga county.....	1910	172	320
253, repealed	Commissioner of elections, Onondaga county.....	1911	649	1724
254-260, repealed	Commissioner of elections, Onondaga county.....	1911	649	1724
270-281, repealed	Commissioner of elections, Westchester county.....	1911	649	1724
Art. 12 renum- bered art. 8	Times, places, notices, officers and expenses of elections.....	1913	800	2220
291	Time of opening and closing polls.....	1911	649	1690
292	Vacancies in elective offices.....	1911	891	2725
293	Notices of elections.....	1911	649	1690
294	Notice of submission of proposed constitutional amendments and propositions.....	1910	446	833
299	Designation of places for registry and voting.....	1910	428	796
300a, added	Display of American flag at polling places.....	1913	783	1980
301	Publication of registration lists and polling places....	1913	587	1594
305	Election officers, examination as to qualifications.....	1911	649	1691
316	Ballot boxes.....	1911	649	1691
Art. 13 renum- bered art. 9	Ballots and stationery.....	1913	800	2220
331	Form of general ballots.....	1911	649	1692
331	Form of general ballots.....	1911	872	2576
341	Providing ballots and stationery.....	1911	649	1697
Art. 14 renum- art. 10	Conduct of elections and canvass.....	1913	800	2220
352	Watchers.....	1910	428	797
352	Watchers; challengers; electioneering.....	1911	649	1698
355	Poll clerks, general duties.....	1911	649	1699
355, subd. 2	Comparison of signatures.....	1910	428	798
358	Preparation of ballots by voters.....	1911	296	700
361	Challenges.....	1910	428	801
361	Challenges.....	1911	649	1701
362	Challenges.....	1910	428	801
362	Preliminary oath.....	1911	649	1702
368	Intent of voters.....	1911	296	701
368	Intent of electors.....	1911	649	1703
372	Statement of canvass, delivery to police.....	1911	649	1706
377	Filing election papers.....	1911	649	1706
378	Filing of papers, New York city.....	1911	274	670
378	Filing of papers, New York city.....	1911	649	1707
379, repealed	Metropolitan district, additional requirements.....	1911	649	1724

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Art. 15 renumbered art. 11	Voting machines . . . . .	1913	800	2220
392	Voting machines, requirements . . . . .	1911	649	1708
397	Voting machines, form of ballots . . . . .	1911	649	1709
400	Preparation of voting machine . . . . .	1911	649	1709
401	Voting machines, instruction of election officers . . . . .	1911	649	1711
413	Canvass and proclamation of vote . . . . .	1909	240	386
413	Voting machines, canvass of vote . . . . .	1911	649	1711
415	Voting machines . . . . .	1909	465	1115
419	Change in boundaries of election districts . . . . .	1911	542	1222
Art. 16 renumbered art. 12	Boards of canvassers . . . . .	1913	800	2220
430	County board of canvassers . . . . .	1910	432	809
Art. 17 renumbered art. 13	United States senators, etc . . . . .	1913	800	2220
Art. 18, tit.	State superintendents of elections . . . . .	1911	649	1713
Art. 18 renumbered art. 14	State superintendents of elections . . . . .	1913	800	2220
470, repealed	Metropolitan elections district . . . . .	1911	649	1724
471	State superintendent of elections . . . . .	1909	240	388
471	State superintendents of elections . . . . .	1911	649	1713
472-479	State superintendents of elections, deputies; powers and duties . . . . .	1911	649	1174
480	Reports by hotel keepers . . . . .	1911	649	1718
481, 482	Affidavits by hotel keepers holding liquor licenses . . . . .	1911	649	1719
483	Reports by police and certain departments . . . . .	1911	649	1720
484	Lists of voters in lodging-houses, etc . . . . .	1911	649	1721
485	Card lists of registered electors . . . . .	1911	649	1722
486	Removal of deputies . . . . .	1911	649	1723
487	Salaries and expenses, superintendents and employees . . . . .	1911	649	1723
488	Annual report, state superintendents of elections . . . . .	1911	649	1724
489, added	Authority of state superintendent of elections . . . . .	1911	891	2725
Art. 19 renumbered art. 15	Soldiers' and sailors' elections . . . . .	1913	800	2220
518	Application of provisions of penal law . . . . .	1909	240	388
Art. 20 renumbered art. 16	Corrupt practices . . . . .	1913	800	2220
540-542, 544, 546	Expenditure of money at primary elections . . . . .	1910	429	803
548	Statements of campaign receipts and expenses . . . . .	1910	438	820
562, added	Party funds not to be expended for primary purposes . . . . .	1911	891	2726
Art. 21 renumbered art. 17	Laws repealed; when to take effect . . . . .	1913	800	2220
<b>EXECUTIVE LAW:</b> (L. 1909, ch. 23, constituting cons. laws, ch. 18.)				
20	Salary of secretary of state . . . . .	1910	691	2003
34, repealed	Publication of statement of names changed . . . . .	1913	617	1643
40	Salary of comptroller . . . . .	1910	691	2004
41	Deputies to the comptroller . . . . .	1910	189	357
41	Deputies to the comptroller . . . . .	1911	568	1294

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<b>EXECUTIVE LAW — (Continued).</b>				
43	Supervision of money paid into court.....	1910	193	364
45, added	Posting of bulletins by comptroller.....	1910	159	282
45, added	Examiners appointed by comptroller.....	1911	213	488
50	Salary of state treasurer.....	1910	691	2004
52	Deputy state treasurer.....	1909	268	469
54	State treasurer, employee to sign receipts.....	1913	441	918
60	Salary of attorney-general.....	1910	691	2004
60	Clerk hire and expenses of attorney-general.....	1911	204	477
61	Attorney-general, deputies.....	1911	204	477
62, subd. 2	Attorney-general, expenses.....	1911	14	17
65	Counsel employed by attorney-general.....	1911	791	2098
68, added	Attorney-general; duty in actions where constitution- ality of statute involved.....	1913	442	919
70	Salary of state engineer.....	1910	691	2005
84	No fees by or to state officers in certain cases.....	1913	570	1549
100	State superintendent of weights and measures.....	1910	698	2016
104	Fees paid by notaries public.....	1909	240	388
105	Notaries public.....	1911	668	1756
105, subd. 2	Notaries public.....	1913	208	369
105, subd. 3, added	Notaries, Bronx county.....	1913	248	442
105a added	Notaries who are stockholders, etc., of corporations..	1913	334	625
110, added	Board of geographic names.....	1913	187	342
<b>FOREST, FISH AND GAME LAW:</b> (L. 1909, ch. 24, constituting cons. laws, ch. 19.)				
<i>(All parts of the forest, fish and game law, not heretofore repealed, with the exception of § 113, were repealed by L. 1912, chaps. 318 and 444. For status of § 113 see foot note, L. 1909, p. 1136.)</i>				
2	Commissioner.....	1909	474	1136
4	Office force.....	1909	474	1137
6	Disposal of game and fish seized.....	1911	438	976
8	Summary of law.....	1909	533	1336
8	Compilation and distribution of law.....	1911	423	957
11	Game protectors.....	1909	474	1137
11	Number of game protectors.....	1910	675	1951
13	Compensation of protectors.....	1909	474	1138
13	Compensation of protectors.....	1910	657	1753
14	Powers of protectors.....	1909	474	1139
19	Actions for penalties.....	1911	835	2343
20	Costs, actions by the people.....	1911	835	2344
21	Moneys recovered, actions by the people.....	1911	835	2344
32a, added	Game and bird refuges.....	1910	657	1754
37	Boundaries of Saint Lawrence reservation.....	1910	313	557
40	Powers of commissioner.....	1909	474	1139
40	Powers of commissioner.....	1910	657	1755
40, subd. 6	Compromise of actions, approval by governor.....	1911	835	2344

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47	Description of land appropriated for forest preserve..	1911	835	2345
56	Cutting timber.....	1909	474	1141
67	Auditor of fire accounts and fire inspections. ....	1909	474	1141
68	Fire patrol by railroads.....	1909	474	1141
69	Fire districts and patrols.....	1909	474	1142
69	Fire districts and patrols.....	1910	657	1756
70	Superintendents of fire.....	1909	474	1143
71	Compensation of fire patrolmen and fire fighters.....	1909	474	1145
72	Railroads in forest lands.....	1910	476	916
73	Fires to clear land.....	1909	474	1146
73	Fires to clear land.....	1910	657	1757
73	Fires to clear land.....	1911	529	1202
74	Forest fires prohibited.....	1909	474	1146
74	Forest fires prohibited.....	1910	657	1758
75a, added	Suspension of open season.....	1909	474	1147
75b, added	Statistics of forest products.....	1909	474	1148
76	Deer; open season.....	1909	474	1148
76	Deer; open season.....	1910	657	1759
76	Deer; open season.....	1911	583	1341
77	Possession of deer or venison.....	1909	474	1149
77	Possession of deer or venison.....	1910	657	1760
77	Possession of deer or venison.....	1911	438	976
78	Transportation of deer.....	1909	474	1149
78	Transportation of deer.....	1910	657	1760
78a, added	Breeding and sale of elk and deer.....	1911	438	977
80	Wild moose, elk, caribou and antelope.....	1911	438	976
81	Black and gray squirrels.....	1910	657	1761
81	Black and gray squirrels.....	1911	438	977
81	Black and gray squirrels.....	1911	592	1354
82	Hares and rabbits.....	1909	240	389
82	Hares and rabbits.....	1909	474	1150
82	Hares and rabbits.....	1910	657	1761
82	Hares and rabbits.....	1911	438	977
82	Hares and rabbits.....	1911	635	1439
84	Mink, skunk, muskrat and sable.....	1909	474	1150
84	Mink, skunk, muskrat and sable.....	1910	657	1761
84	Mink, skunk, muskrat and sable.....	1911	238	517
84a, added	Propagation of skunks.....	1911	238	517
85a, added	Sale of game prohibited.....	1911	438	980
86	Penalties.....	1911	438	980
87	Wild fowl; open season.....	1910	657	1762
87	Wild fowl; open season.....	1911	438	981
88	Ducks, geese, brant and swan.....	1909	474	1150
88	Manner of killing wild fowl.....	1910	657	1763
88	Manner of killing wild fowl.....	1911	438	981
89	Quail; open season.....	1911	438	981
90	Woodcock; open season.....	1911	438	981
91	Grouse; open season.....	1909	474	1150
91	Grouse; open season.....	1911	438	982
92	Grouse, woodcock and quail, sale prohibited.....	1909	474	1150
92	Grouse, woodcock and quail not to be bought.....	1910	657	1763
92, repealed	Grouse, woodcock and quail not to be sold or bought.	1911	438	982

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92, added	Sale of dead game and song birds prohibited . . . . .	1911	438	982
93	Woodcock, grouse and quail not to be possessed . . . . .	1910	657	1764
93	Woodcock, grouse and quail not to be possessed . . . . .	1910	664	1862
93	Woodcock, grouse and quail not to be possessed . . . . .	1911	438	982
96	Pheasants . . . . .	1910	657	1764
96	Pheasants . . . . .	1911	170	269
96	Pheasants . . . . .	1911	627	1423
96a, added	Breeding of pheasants, mallard and black ducks . . . . .	1911	438	983
96b, added	Mammals and birds, importation and sale . . . . .	1911	438	985
96c, added	Fees for affixing tags . . . . .	1911	438	985
98	Wild birds protected . . . . .	1909	474	1151
98	Sale of plumage of birds . . . . .	1910	256	459
103	Birds and game not to be transported . . . . .	1910	657	1765
104	Hunting license . . . . .	1911	854	2392
105	Penalties . . . . .	1910	657	1765
106	Trout; open season . . . . .	1909	474	1152
106	Trout; open season . . . . .	1910	657	1766
106	Trout; open season . . . . .	1911	188	426
106	Trout; open season . . . . .	1911	592	1354
109	Lake trout and whitefish; open season . . . . .	1909	474	1152
109	Lake trout and whitefish; open season . . . . .	1910	657	1766
109	Lake trout and whitefish; open season . . . . .	1910	663	1861
109	Lake trout and whitefish; open season . . . . .	1911	582	1339
113, repealed	Salmon. ( <i>See note, L. 1909, p. 1136</i> ) . . . . .	1909	474	1136
115	Black bass . . . . .	1910	657	1767
117	Pickrel and pike . . . . .	1909	474	1153
117	Blue pike, Lake Ontario . . . . .	1911	312	728
122	Tip-ups . . . . .	1910	657	1767
123	Eel weirs and pots . . . . .	1910	657	1767
124	Taking minnows for bait . . . . .	1909	474	1153
124	Taking minnows for bait . . . . .	1911	592	1355
126	Frostfish and whitefish . . . . .	1909	474	1153
126	Frostfish and whitefish taken with nets . . . . .	1910	657	1768
128	Thumping, Dutchess county . . . . .	1911	591	1353
134	Obstruction of streams . . . . .	1909	474	1154
135	Explosives prohibited . . . . .	1910	657	1768
143	Penalties . . . . .	1910	657	1769
146	Nets in Chaumont bay and adjacent waters . . . . .	1909	474	1154
147	Nets in Wappinger's creek . . . . .	1910	657	1769
147	Nets in Hudson and Delaware rivers . . . . .	1911	591	1353
150	Fishing in Seneca and Cayuga lakes . . . . .	1909	474	1154
150	Spearing in Cayuga lake . . . . .	1911	299	710
150	Fishing in Seneca and Cayuga lakes . . . . .	1911	582	1340
151	Fishing in Otsego lake . . . . .	1910	657	1770
152	Fishing in Chautauqua and Cattaraugus counties . . . . .	1909	474	1155
152	Fishing in Chautauqua and Cattaraugus counties . . . . .	1911	592	1356
153	Spearing, hooking and set lines . . . . .	1909	474	1155
153	Spearing, hooking and set lines . . . . .	1910	657	1770
153	Spearing, hooking and set lines . . . . .	1911	580	1336
153	Spearing, hooking and set lines . . . . .	1911	590	1351
154	Warren, Essex, Washington and Saratoga counties, certain waters . . . . .	1910	657	1772



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154	Pike-perch and pike and perch, Lake George . . . . .	1911	530	1204
154	Fishing in Lake George . . . . .	1911	636	1440
154a, added	Open season, certain fish, Schuyler county . . . . .	1911	377	860
154b, added	Spearing suckers, Schuyler and Chemung counties . . . . .	1911	378	861
154b, added	Fishing with set lines, Schuyler county . . . . .	1911	589	1350
157	Suckers, Sullivan county . . . . .	1910	655	1752
157	Suckers, Ulster county . . . . .	1911	508	1165
168	Deer, Long Island district . . . . .	1910	657	1772
170	Wild fowl, Long Island district . . . . .	1910	657	1772
170a, repealed	Brant, Long Island district . . . . .	1910	657	1773
174a	Pheasants and woodcock on Robbins and Gardners islands . . . . .	1910	656	1753
184	Superintendent of marine fisheries . . . . .	1909	240	390
187, repealed	Duties of superintendent of marine fisheries . . . . .	1911	647	1550
188, repealed	Reports of superintendent of marine fisheries . . . . .	1911	647	1550
195-204, repealed	Shellfish . . . . .	1911	647	1550
207, repealed	Polluting waters . . . . .	1911	647	1550
208, repealed	Garbage, Long Island sound . . . . .	1911	647	1550
210-215, repealed	Shellfish grounds; oyster beds . . . . .	1911	647	1550
224	Leases of land for shellfish culture . . . . .	1909	240	390
224, repealed	Lands for shellfish culture . . . . .	1911	647	1550
240	Definitions . . . . .	1909	474	1156
240, subd. 14	Open season, defined . . . . .	1911	171	270
240, subd. 18, added	Plumage of birds, defined . . . . .	1910	256	459
241	Storage in close season . . . . .	1911	438	985
	<b>GENERAL BUSINESS LAW:</b> (L. 1909, ch. 25, constituting cons. laws, ch. 20.)			
2-4	Standards of weights and measures . . . . .	1910	187	351
5	Units of capacity of measure . . . . .	1909	414	898
5a, 5b, added	Milk and cream bottles . . . . .	1910	470	909
8	Number of pounds to the bushel . . . . .	1910	187	353
9, repealed	Barrels of apples, quinces, pears and potatoes . . . . .	1912	81	137
11	State superintendent of weights and measures, duties . . . . .	1910	187	353
13	County sealers . . . . .	1910	187	354
14, repealed	Town sealers . . . . .	1910	187	356
15 renumbered				
14, and amended	City sealers . . . . .	1910	187	355
16 renumbered				
15, and amended	Weights and measures to be sealed . . . . .	1910	187	356
16, added	Methods of sale of certain commodities . . . . .	1912	81	134
16a, added	Prescribed sizes of containers . . . . .	1912	81	135
16b, added	Standard grape basket . . . . .	1913	426	898
17, repealed	Standards in possession of state superintendent . . . . .	1910	187	356
17, added	Net contents of containers to be indicated . . . . .	1912	81	135
17a, added	Sections not applicable to certain containers . . . . .	1912	81	135
17a	Sections not applicable to certain containers . . . . .	1913	514	1360

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<b>GENERAL BUSINESS LAW — (Continued).</b>				
17b, added	Guaranty of container by wholesaler.....	1912	81	136
17c, added	Definitions.....	1912	81	136
18, added	Examination of containers; prosecution of violation..	1912	81	136
18a, added	Penalties.....	1912	81	137
18a	Penalties; sale of certain commodities.....	1913	426	899
20, repealed	Conduct of auction sales.....	1911	571	1326
25, added	Private banking.....	1910	348	614
25	Private banking.....	1911	393	896
25, added	Books to be kept by auctioneers.....	1910	640	1712
26, added	Private banking.....	1910	348	617
26, added	Books to be kept by auctioneers.....	1910	640	1713
27, added	Private banking.....	1910	348	618
27	Private banking.....	1911	393	900
27, added	Books to be kept by auctioneers.....	1910	640	1713
28, added	Private banking.....	1910	348	618
28	Private banking.....	1911	393	900
28, added	Books to be kept by auctioneers.....	1910	640	1713
29, added	Private banking.....	1910	348	618
29a, added	Private banking.....	1910	348	618
29a	Private banking.....	1911	393	900
29b, 29c, added	Private banking.....	1910	348	618
29d, added	Private banking.....	1910	348	618
29d	Private banking.....	1911	393	901
29e, added	Private banking.....	1910	348	618
29e	Private banking.....	1911	393	902
29f, 29g, added	Private banking.....	1910	348	618
40	Pawnbroker's license, certain cities.....	1909	240	391
41	Licenses, how obtained; penalty.....	1909	240	391
Art. 5a (§§ 55-59, 59a-59k), added	Licensing small loan brokers.....	1913	579	1563
70	Private detectives.....	1909	529	1323
70	Private detectives.....	1910	515	1190
71	Private detectives.....	1909	529	1323
71	Private detectives.....	1910	515	1191
72	Private detectives.....	1909	529	1325
72	Private detectives.....	1910	515	1193
73	Private detectives.....	1909	529	1325
73	Private detectives.....	1910	515	1194
73a-73c, added	Private detectives.....	1910	515	1195
74	Private detectives.....	1909	529	1326
74	Private detectives.....	1910	515	1196
74a, 74b, added	Private detectives.....	1910	515	1197
75	Private detectives.....	1909	529	1326
75	Private detectives.....	1910	515	1197
76, added	Private detectives.....	1910	515	1198
80	Certified public accountants.....	1913	443	920
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Art. 8a, schedule of sections	Certified shorthand reporters.....	1913	249	444
85, added	Certified shorthand reporters; qualifications.....	1911	587	1346
85 renumbered 86, and amended	Certified shorthand reporters; qualifications.....	1913	249	444

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85, added	Certified shorthand reporters; defined.....	1913	249	444
86, added	Certified shorthand reporters; examination.....	1911	587	1347
86 renumbered				
87, and amended	Certified shorthand reporters; examination and certification.....	1913	249	444
87, added	Certified shorthand reporters; exceptions.....	1911	587	1347
87 renumbered				
88, and amended	Certified shorthand reporters; exceptions.....	1913	249	445
88, added	Certified shorthand reporters; violations.....	1911	587	1347
88 renumbered				
89a	Certified shorthand reporters; violations.....	1913	249	445
89, added	Certified shorthand reporters; extension of waiver..	1913	249	445
150, repealed	Ticket agents.....	1910	348	621
150, repealed	Ticket agents.....	1910	349	622
150, added	Ticket agents.....	1910	349	622
150	License to sell transportation tickets.....	1911	578	1334
151, repealed	Ticket agents.....	1910	348	621
151, repealed	Ticket agents.....	1910	349	622
151, added	Ticket agents.....	1910	349	622
152, repealed	Ticket agents.....	1910	348	621
152, repealed	Ticket agents.....	1910	349	622
152, added	Ticket agents.....	1910	349	622
153, repealed	Ticket agents.....	1910	348	621
153, repealed	Ticket agents.....	1910	349	622
153, added	Ticket agents.....	1910	349	622
154, repealed	Ticket agents.....	1910	348	621
154, repealed	Ticket agents.....	1910	349	622
154, added	Ticket agents.....	1910	349	622
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191, subd. 3	Relicensing of employment agencies.....	1912	261	487
207	Inn-keeper's lien.....	1910	215	395
208	Inn-keeper's lien.....	1910	215	395
209, added	Inn-keeper's lien.....	1910	215	397
Art. 12a	Exhibitions of moving pictures.....	1913	308	573
209, added	Exhibitions of moving pictures.....	1911	756	2018
209	Exhibitions of moving pictures.....	1913	308	574
210, added	Exhibitions of moving pictures.....	1911	756	2018
210	Exhibitions of moving pictures.....	1913	308	574
211, added	Exhibitions of moving pictures.....	1911	756	2020
211 renumbered				
212, and amended	Exhibitions of moving pictures.....	1913	308	576
211, added	Exhibitions of moving pictures.....	1913	308	576
212, added	Exhibitions of moving pictures.....	1911	756	2021
212 renumbered				
216	Exhibitions of moving pictures.....	1913	308	578
213-215, added	Exhibitions of moving pictures.....	1913	308	577
Art. 15, tit.	Hops, hay and straw.....	1913	96	164
253	Pressing of hay and straw.....	1913	96	164
341	Monopolies.....	1910	633	1672
345	Monopolies.....	1910	394	724
367, added	Trademarks.....	1909	475	1157

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383-389, 389a, added	Sale of coal, coke and charcoal.....	1911	825	2331
391	Small fruit packages or baskets.....	1909	414	898
392a, added	Marking mattresses.....	1913	503	1188
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4, repealed	Filing financial reports with secretary of state.....	1910	217	399
4, added	Removal of officers in third-class cities.....	1913	770	1924
12	Money for Memorial day, cities of third class.....	1909	288	522
13	Moneys, how expended.....	1909	288	522
13a, added	Moneys for annual conference of city officials.....	1911	622	1417
17	Crematories for disposal of garbage.....	1910	467	907
18, added	License to operate moving picture apparatus.....	1911	252	637
Art. 2a (§§ 19-24), added	Powers of cities.....	1913	247	436
57	Article limited.....	1913	753	1889
60-68, added	Regulation of plastering.....	1911	156	249
Art. 8 (§§ 120-122) renumbered				
art. 11a (§§ 165-167)	Art commission.....	1911	718	1937
Art. 8 (§§ 120-129, 129a-129c), added	Dog license, third class cities.....	1911	718	1937
150-160, repealed	Protection of purchasers of coal.....	1911	825	2334
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20	Method of computing time.....	1910	347	613
24	Columbus day.....	1909	112	174
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Schedule of articles	Receivers.....	1909	240	392
5	Corporate names or titles.....	1913	479	1001
6	Corporate names.....	1911	638	1444
6	Corporate names.....	1912	2	5
6	Corporate names.....	1913	24	45
12	Property of nonstock corporations.....	1909	276	483
12	Property of nonstock corporations.....	1911	581	1339
20	Real estate of foreign corporations.....	1910	68	112
22	Prohibition of banking powers.....	1911	771	2050
37	Extension of corporate existence.....	1913	306	569

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38	Revival of corporate existence.....	1911	63	87
60, 62, 63	Change of names of certain kinds of corporations....	1910	296	534
64	Change of name of corporation.....	1913	721	1836
91a, added	Actions against officers.....	1913	633	1685
102	Service of summons in action to dissolve corporation.	1912	204	367
106	Permanent receiver.....	1909	240	392
155	Notice to creditors by receiver.....	1909	240	392
158	Notice of accounting by receiver.....	1909	240	393
160	Claims, when barred.....	1909	240	394
174	Petition for voluntary dissolution.....	1909	240	394
178	Action upon petition.....	1909	240	395
191	Permanent receiver.....	1909	240	396
225, added	Security of receiver.....	1909	240	396
226, added	Removal of receiver; new bond.....	1909	240	397
227, added	Notice to sureties upon accounting.....	1909	240	397
232	Receiver's title.....	1909	240	397
232	Receiver's title to property.....	1913	766	1920
239, subd. 1	General powers of receivers.....	1913	766	1920
269	Notice of final accounting.....	1909	240	397
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<b>GENERAL MUNICIPAL LAW:</b> (L. 1909, ch. 29, constituting cons. laws, ch. 24.)				
6	Funded debts.....	1910	677	1965
10	Registry of municipal bonds.....	1910	129	228
21, added	Maximum rate of interest on municipal bonds.....	1911	573	1327
22-29, added	Legalizing bonds or proceedings for issuance.....	1911	769	2044
30	Financial reports of municipal corporations.....	1911	544	1224
34	Compensation of examiners of municipal accounts...	1910	301	540
72a, added	Acquisition and development of forest lands.....	1912	74	117
76	Water rights, certain counties.....	1909	240	398
88, added	Separate specifications for certain contract work....	1912	514	1043
126-135, added	Public general hospitals.....	1910	558	1277
135a, added	Workshop in connection with tuberculosis hospitals..	1913	341	636
136-139, 139a, 139b, added	Colonies for inebriates; boards of inebriety.....	1911	700	1881
140-143, 145	Trusts for aiding and instructing children.....	1910	163	299
200a, added	Volunteer firemen.....	1910	119	182
202	Certificate of exempt volunteer fireman.....	1909	240	398
Art. 12a (§§ 234-239, 239a), added	City and village planning commissions.....	1913	699	1809
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2	Definition of construction.....	1911	646	1482
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2	Definitions.....	1913	80	136

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11	State commission of highways.....	1911	646	1483
11	State commission; commissioner of highways.....	1913	80	137
12	State superintendent of highways, oath of office, undertaking.....	1911	646	1484
12	Commissioner of highways; oath; undertaking.....	1913	80	138
14	Salaries and expenses.....	1911	646	1484
14 renumbered	Salaries and expenses.....	1913	80	142
18, and amended	Deputies, secretary, chief auditor.....	1913	80	138
14, added	Powers and duties of commissioner.....	1913	80	139
15	Division of state; division engineers.....	1911	646	1485
16	Division engineers.....	1913	80	141
16	Duties of division engineers.....	1911	646	1485
17	Duties of division engineers.....	1913	80	141
18 renumbered	Blank forms and town accounts.....	1913	80	143
20, and amended	Examination of accounts and records.....	1913	80	144
19 renumbered	Appointment of officers, clerks and employees.....	1913	80	143
21, and amended	Condemnation of bridges.....	1913	80	144
19, added	Estimate of cost of maintenance of highways.....	1912	83	139
20 renumbered	Estimate of cost of maintenance.....	1913	80	144
22, and amended	Rules and regulations for highways.....	1913	80	145
21	Patented material or articles.....	1913	80	145
21 renumbered	Expenses of county superintendent.....	1910	567	1401
23, and amended	County superintendent.....	1910	224	409
22 renumbered	Duties of district or county superintendent.....	1911	646	1486
24, and amended	Statements of amounts necessary for county roads...	1910	567	1401
25, added	Removal of weeds and brush.....	1910	567	1402
30	Contracts; construction of highways and bridges...	1913	621	1665
31	Removal of obstruction from ditches, culverts, etc...	1912	83	147
33	Temporary obstruction of highways.....	1910	567	1402
33, subd. 2a, added	Temporary obstruction of highways.....	1913	80	145
47, subd. 7	Weeds and obstructions.....	1911	151	243
48	Interest on damages for change of grade.....	1910	701	2035
53, repealed	Liability of town for defective highways.....	1913	389	829
53a, added	Closing highways for repair.....	1911	646	1487
53a	Labor system for removing snow.....	1909	488	1176
54	Labor system for removing snow.....	1910	136	243
59a, added	Assessment of labor for removal of snow.....	1909	488	1176
74	Assessment of labor for removal of snow.....	1910	136	243
77	Lists of persons assessed for removal of snow.....	1909	488	1177
78, added	Appeals by non-resident; separate assessments; tenants.....	1909	488	1177
78	District foremen; levy of unworked taxes.....	1910	136	245
79, added				
79				
80, added				
81, added				
81, added				

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81 renumbered 82, and amended	Appeals by non-resident; separate assessments; tenants.....	1910	136	245
93	Extraordinary repairs; highways and bridges.....	1913	621	1668
101, subd. 7, added	Amount of state aid in certain cases.....	1913	375	800
120, subd. 1	State highway, route 1.....	1911	570	1297
120, subd. 2	State highway, route 2.....	1910	648	1744
120, subd. 3	State highway, route 3.....	1912	157	288
120, subd. 3a, added	State highway, route 3a.....	1911	260	647
120, subd. 4	State highway, route 4.....	1911	96	142
120, subd. 4	State highway, route 4.....	1911	747	2007
120, subd. 4a, added	State highway, route 4a.....	1911	807	2132
120, subd. 4b, added	State highway, route 4b.....	1912	474	993
120, subd. 5	State highway, route 5.....	1910	573	1409
120, subd. 5a, added	State highway, route 5a.....	1911	616	1392
120, subd. 5b, added	State highway, route 5b.....	1911	784	2089
120, subd. 5c, added	State highway, route 5c.....	1913	784	1981
120, subd. 6	State highway, route 6.....	1910	573	1409
120, subd. 6	State highway, route 6.....	1911	472	1076
120, subd. 6a, added	State highway, route 6a.....	1911	660	1744
120, subd. 7	State highway, route 7.....	1911	261	648
120, subd. 7	State highway, route 7.....	1911	751	2014
120, subd. 7a, added	State highway, route 7a.....	1912	183	326
120, subd. 14	State highway, route 14.....	1910	648	1745
120, subd. 15	State highway, route 15.....	1911	752	2015
120, subd. 15	State highway, route 15.....	1912	473	991
120, subd. 18	State highway, route 18.....	1911	89	127
120, subd. 22a, added	State highway, route 22a.....	1913	785	1981
120, subd. 22b, added	State highway, route 22b.....	1913	785	1982
120, subd. 22c, added	State highway, route 22c.....	1913	785	1982
120, subd. 23	State highway, route 23.....	1910	573	1411
120, subd. 23a, added	State highway route, 23a.....	1912	535	1099
120, subd. 26	State highway, route 26.....	1910	573	1411
120, subd. 30	State highway, route 30.....	1910	648	1745
120, subd. 30	State highway, route 30.....	1911	716	1935
120, subd. 30	State highway, route 30.....	1912	51	78
120, subd. 30	State highway, route 30.....	1912	477	995
120, subd. 30a, added	State highway, route 30a.....	1910	650	1748
120, subd. 32	State highway, route 32.....	1910	648	1746



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120, subd. 32	State highway, route 32.....	1911	179	280
120, subd. 37	State highway, route 37.....	1910	648	1746
120, subd. 37	State highway, route 37.....	1912	475	993
120, subd. 37a, added	State highway, route 37a.....	1912	476	994
120, subd. 37a, added	State highway, route 37a.....	1912	542	1112
120, subd. 37b, added	State highway, route 37b.....	1912	542	1113
120, subd. 38, added	State highway, route 38.....	1909	504	1280
120, subd. 38a, added	State highway, route 38a.....	1912	179	323
120, subd. 39, added	State highway, route 39.....	1910	649	1747
120, subd. 39a, added	State highway, route 39a.....	1911	531	1205
120, subd. 39b, added	State highway, route 39b.....	1911	662	1746
120, subd. 41, added	State highway, route 41.....	1911	395	908
120, subd. 42, added	State highway, route 42.....	1911	614	1390
120, subd. 43, added	State highway, route 43.....	1911	166	264
120, subd. 43, added	State highway, route 43.....	1911	259	647
120, subd. 45, added	State highway, route 45.....	1911	356	810
120, subd. 45	State highway, route 45.....	1912	57	87
120, subd. 46, added	State highway, route 46.....	1911	320	741
121	Apportionment of mileage.....	1911	646	1488
122	Construction or improvement of county highways...	1912	83	140
123	Preliminary resolution of supervisors.....	1909	487	1175
125	Maps and plans.....	1911	646	1489
126	Maps and plans.....	1911	646	1490
128	Final resolution of supervisors.....	1909	240	399
129	Cost of county highways.....	1910	247	437
129	Order of construction of county highways.....	1911	646	1490
129	Order of construction of county highways.....	1912	83	140
132	Contracts for construction or improvement of high- ways.....	1911	646	1491
132	Contracts for work on highways.....	1913	517	1362
133	Acceptance of state highway.....	1911	646	1491
134	Acceptance of county highway.....	1911	646	1492
137	State roads through cities of third class.....	1910	233	421
137	County highways through cities of third class.....	1911	88	125
137	Highways through cities of second class.....	1912	88	155
137	Highways in villages and cities.....	1913	131	218
137	Highways in municipalities.....	1913	319	595
138	Connecting highways in cities of third class.....	1911	88	126

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138	Connecting highways in cities of second class . . . . .	1912	88	156
138a, added	State and county highways of additional width . . . . .	1911	375	857
139	Cost of county highways . . . . .	1910	247	438
139	Cost of county highways . . . . .	1912	83	141
140	Cost of county highways . . . . .	1910	247	438
141	Cost of county highways . . . . .	1912	83	141
142	County or town may borrow money . . . . .	1909	486	1174
142	Share of counties and towns for highway improvement . . . . .	1910	580	1418
142	County or town may borrow money . . . . .	1912	83	142
142	County or town may borrow money . . . . .	1913	538	1411
142	County or town may borrow money . . . . .	1913	623	1670
142a, added	Pavement about rails of street surface railroads . . . . .	1913	177	325
143, repealed	Cost of county highways . . . . .	1910	247	438
143, added	Expense of constructing highways, cities of second and third class . . . . .	1912	88	157
146	Railroads on highways . . . . .	1911	646	1492
146	Railroads and other works on highways . . . . .	1913	80	146
150	Petition to acquire lands for highways . . . . .	1911	503	1157
152	Duties of commissioners appointed to condemn lands . . . . .	1911	503	1158
153	Awards for lands condemned . . . . .	1911	503	1159
154	Commissioners' fees . . . . .	1912	182	325
155	Sale of unnecessary portion of highway . . . . .	1911	552	1253
158, added	Superintendents of highways for Indian reservations . . . . .	1910	46	73
158	Superintendents of highways for Indian reservations . . . . .	1913	474	994
159, added	Moneys for highways on Indian reservations . . . . .	1910	46	73
159	Highways within Indian reservations . . . . .	1911	646	1493
159	Highways within Indian reservations . . . . .	1913	474	995
160, added	Maintenance of detours during construction . . . . .	1912	83	143
170	Maintenance of state and county highways . . . . .	1911	646	1494
170	Maintenance of state and county highways . . . . .	1912	83	143
170	Maintenance of state and county highways . . . . .	1913	80	146
171-175	Maintenance of state and county highways . . . . .	1912	83	144
176	Liability of state for damages . . . . .	1910	570	1406
176	Liability of state for damages . . . . .	1912	83	147
177	Maintenance of highways in villages . . . . .	1911	646	1495
177, repealed	Maintenance of highways in villages . . . . .	1912	83	148
178	State's share of maintaining certain county roads . . . . .	1910	165	304
178	State's share of maintenance of county roads . . . . .	1910	567	1402
178	County roads when to become state or county highways . . . . .	1911	362	833
192	Application to alter, discontinue or lay out highway . . . . .	1913	472	993
193	Application for condemnation commissioners . . . . .	1910	344	606
195	Notice of meeting for laying out highway . . . . .	1912	246	466
200	Laying out highways . . . . .	1911	624	1419
203	Towns may borrow money for highways . . . . .	1911	498	1119
208	Construction and alteration of highways . . . . .	1913	318	594
263, added	Abolition of toll bridges . . . . .	1909	146	225
263	Resolution for abolition of toll bridges . . . . .	1910	569	1404
264, added	Investigation by state commission . . . . .	1909	146	225
264	Investigation by state commission . . . . .	1910	569	1405
265, added	Acquisition by attorney-general . . . . .	1909	146	226

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266, added	Expense of acquisition . . . . .	1909	146	226
267, added	Maintenance of bridge . . . . .	1909	146	227
268, added	Use of toll bridge by public service corporations . . . . .	1910	569	1405
Art. 11, schedule of sections	License of chauffeurs . . . . .	1911	491	1106
280, repealed	Motor vehicles . . . . .	1910	374	673
280, added	Motor vehicles . . . . .	1910	374	673
281, repealed	Motor vehicles . . . . .	1910	374	673
281, added	Motor vehicles . . . . .	1910	374	674
281	Motor vehicles; definitions . . . . .	1911	491	1106
282, repealed	Motor vehicles . . . . .	1910	374	673
282, added	Motor vehicles . . . . .	1910	374	675
282	Registration of motor vehicles . . . . .	1911	491	1107
283, repealed	Motor vehicles . . . . .	1910	374	673
283, added	Motor vehicles . . . . .	1910	374	677
283	Motor vehicle number plates . . . . .	1911	491	1110
284, repealed	Motor vehicles . . . . .	1910	374	673
284, added	Motor vehicles . . . . .	1910	374	678
284	Registration of motor vehicles by manufacturers and dealers . . . . .	1911	491	1110
285, repealed	Motor vehicles . . . . .	1910	374	673
285, added	Motor vehicles . . . . .	1910	374	679
286, repealed	Motor vehicles . . . . .	1910	374	673
286, added	Motor vehicles . . . . .	1910	374	679
287, repealed	Motor vehicles . . . . .	1910	374	673
287, added	Motor vehicles . . . . .	1910	374	681
288, repealed	Motor vehicles . . . . .	1910	374	673
288, added	Motor vehicles . . . . .	1910	374	681
289, repealed	Motor vehicles . . . . .	1910	374	673
289, added	Motor vehicles . . . . .	1910	374	682
289	License of chauffeurs . . . . .	1911	491	1111
290, repealed	Motor vehicles . . . . .	1910	374	673
290, added	Punishment for violations of motor vehicle law . . . . .	1910	374	684
290, subd. 9	Punishment for violations of motor vehicle law . . . . .	1913	1	1
290, subd. 11	Violations of motor vehicle law . . . . .	1913	1	1
291-310, repealed	Motor vehicles . . . . .	1910	374	673
291-293, added	Motor vehicles . . . . .	1910	374	684
320	Construction or improvement of highways; expense . . . . .	1912	534	1097
330	Injuries to highways . . . . .	1910	568	1403
343	Albany post road . . . . .	1910	658	1773
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Title	Housing law made consolidated law . . . . .	1913	798	2207
159	When to take effect . . . . .	1913	798	2207

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10	Licenses for clergymen to reside on tribal lands.....	1910	237	425
	<b>INSANITY LAW:</b> (L. 1909, ch. 32, constituting cons. laws, ch. 27.)			
2	Definitions.....	1912	121	196
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3	Members of state hospital commission.....	1912	121	197
4	Medical inspector.....	1909	157	259
4	Engineers and inspectors.....	1911	768	2037
4	State hospital commission office force.....	1912	121	198
9	Visitation and inspection of certain institutions....	1912	121	196
11	Annual reports of lunacy commission.....	1910	111	173
12	Mohansic State Hospital, commitment to.....	1910	310	552
17	Provision for prospective wants of insane.....	1912	121	199
18, repealed	State hospital attorneys ( <i>See note, L. 1911, p. 2037.</i> )...	1911	768	2037
18, repealed	State hospital attorneys.....	1912	121	200
19	Board of alienists.....	1910	604	1542
19	Bureau of deportation.....	1912	121	200
40	Mohansic State Hospital included.....	1910	310	553
40	State hospitals for indigent persons.....	1912	121	202
40, subd. 14, added	Mohansic State Hospital for Insane, established.....	1910	57	95
40a, added	Mohansic State Hospital for Insane, established.....	1910	57	95
43	Boards of managers, state hospitals.....	1912	121	203
45	Superintendents of state hospitals.....	1912	121	204
45, subd. 11a, added	Out-patient departments in state hospitals.....	1913	626	1674
47	Purchasing steward, certain hospitals, abolished.....	1911	719	1941
48	Superintendents of state hospitals, meetings.....	1912	121	207
49	Salaries of officers and employees of state hospitals...	1912	121	207
50	Salaries of employees of state hospitals.....	1912	43	64
51	Quarterly estimates of expenditures.....	1911	768	2038
54	Action to recover moneys due state hospital.....	1910	389	715
56	Purchases and contracts.....	1911	768	2039
58	Actions against state hospital commissioners, man- agers, etc.....	1912	121	208
59	Private institutions.....	1910	329	583
64	State hospitals, condemnation proceedings.....	1912	121	208
65	State hospital buildings.....	1911	768	2040
82	Proceedings to determine question of insanity.....	1912	121	208
83	Review of proceedings and order of commitment....	1909	155	256
84	Costs of medical care and nursing.....	1910	608	1554
85	Liability for support of indigent insane.....	1910	389	716
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87	Duties of local officers.....	1910	608	1556
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89	Patients in state hospitals under special agreement..	1912	121	216
93	Habeas corpus.....	1913	542	1465
94	Discharge of patients from state hospitals.....	1912	121	217
99	Voluntary patients in state hospitals, etc.....	1912	121	218
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110 renumbered	Matteawan State Hospital, establishment, etc.....	1912	59	95
130	Retirement of state hospital employees.....	1912	59	90
110, added	Matteawan State Hospital, establishment, etc.....	1912	121	219
111 renumbered	Matteawan State Hospital, rules and regulations....	1912	59	95
131	Retirement of state hospital employees.....	1912	59	91
111, added	Matteawan State Hospital, medical superintendent..	1912	59	95
112 renumbered	Retirement of state hospital employees.....	1912	59	92
132	Matteawan State Hospital, medical superintendent..	1912	59	95
112, added	Retirement of state hospital employees.....	1912	59	92
113 renumbered	Matteawan State Hospital, treasurer.....	1912	59	95
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113, added	Matteawan State Hospital, salaries.....	1912	59	95
114 renumbered	Retirement of state hospital employees.....	1912	59	93
134	Matteawan State Hospital, salaries.....	1912	121	220
114, added	Matteawan State Hospital, medical superintendent, powers.....	1912	59	95
115 renumbered	Retirement of state hospital employees.....	1912	59	93
135	Matteawan State Hospital, medical superintendent, powers.....	1912	121	220
115, added	Matteawan State Hospital, monthly estimates.....	1912	59	95
116 renumbered	Retirement of state hospital employees.....	1912	59	94
136	Matteawan State Hospital, medical superintendent, removal.....	1912	59	95
116, added	Retirement of state hospital employees.....	1912	59	94
117 renumbered	Matteawan State Hospital, transfer of insane convicts.	1912	59	95
137	Retirement of state hospital employees.....	1912	59	94
117, added	Matteawan State Hospital, expiration term of imprisonment.....	1912	59	95
118 renumbered	Retirement of state hospital employees.....	1912	59	95
138	Matteawan State Hospital, expiration term of imprisonment.....	1912	121	221
118, added	Retirement board.....	1912	283	515
119 renumbered	Matteawan State Hospital, recovery of insane.....	1912	59	95
139				
119, added				
119				
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141	Matteawan State Hospital, certificate of conviction..	1912	59	95
121, added	Retirement of state hospital employees.....	1912	59	95
122 renumbered				
142	Matteawan State Hospital, transfer to.....	1912	59	95
122, added	Retirement of state hospital employees.....	1912	59	95
122	Matteawan State Hospital, transfer to.....	1912	121	222
123	Recovery for support of patients.....	1909	240	400
123 renumbered				
143	Matteawan State Hospital, recovery for support....	1912	59	95
123, repealed	Matteawan State Hospital, recovery for support....	1912	121	227
124 renumbered				
144	Matteawan State Hospital, tenure of office.....	1912	59	95
125 renumbered				
145	Matteawan State Hospital, communications with patients.....	1912	59	95
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150	Dannemora State Hospital, purposes, etc.....	1912	59	95
140	Dannemora State Hospital, purposes, etc.....	1912	121	222
141 renumbered				
151	Dannemora State Hospital, rules and regulations....	1912	59	95
142 renumbered				
152	Dannemora State Hospital, medical superintendent.	1912	59	95
142	Dannemora State Hospital, medical superintendent..	1912	121	222
143 renumbered				
153	Dannemora State Hospital, treasurer.....	1912	59	95
144 renumbered				
154	Dannemora State Hospital, salaries.....	1912	59	95
144	Dannemora State Hospital, salaries.....	1912	121	222
145 renumbered				
155	Dannemora State Hospital, medical superintendent, powers.....	1912	59	95
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156	Dannemora State Hospital, monthly estimates.....	1912	59	95
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157	Dannemora State Hospital, medical superintendent, removal.....	1912	59	95
148 renumbered				
158	Dannemora State Hospital, transfer to.....	1912	59	95
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149	Dannemora State Hospital, retention of insane convicts.....	1912	121	224
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161	Dannemora State Hospital, recovery of insane.....	1912	59	95
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162	Dannemora State Hospital, certificate of conviction..	1912	59	95
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163	Dannemora State Hospital, communications with patients.....	1912	59	95
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171	Psychiatric Institute.....	1910	289	524
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173-176, added	Commitment of inebriates to institutions for insane..	1913	526	1391
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12	Minimum capital stock.....	1913	92	160
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22	Reinsurance, fire and marine companies.....	1910	168	307
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32	Renewal of certificate of authority; revocation.....	1913	9	13
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44	Reports of corporations.....	1910	634	1686
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48	Contents of advertisements.....	1913	205	365
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55	Insurance without consent of insured, prohibited....	1910	634	1689
55	Insurance without consent of insured, prohibited....	1913	519	1365
56	Foreign fire and marine companies.....	1910	168	309
57	Application of art. 1.....	1909	240	402
57	Application of art. 1.....	1910	634	1691
57, repealed	Application of art. 1.....	1910	638	1709
60	Misrepresentations prohibited.....	1911	533	1208
60	Misrepresentations prohibited.....	1913	47	80
63, added	Delinquent corporations.....	1909	300	549
63	Delinquent corporations.....	1910	634	1692
63	Delinquent corporations.....	1911	366	838
63	Delinquent corporations.....	1912	217	384
63, subd. 12, added	Delinquent insurance corporations.....	1913	29	53
64, added	Religious orders.....	1910	615	1582
65, added	Rebating and discriminations prohibited.....	1911	416	945
65	Rebating and discriminations prohibited.....	1912	225	406
65	Rebating and discriminations prohibited.....	1913	25	46
66, added	Promotion of insurance corporations; sale of securities	1913	52	87
70	Securities guaranty corporations.....	1909	302	566
70	Incorporation.....	1910	637	1701
70	Incorporation of casualty corporations.....	1911	324	757
70	Incorporation.....	1912	232	444
70	Incorporation.....	1913	304	557
70, subd. 8	Incorporation of casualty corporations.....	1912	231	444
73	Special deposits to secure registered policies and annuity bonds.....	1910	697	2011
74	Annual report of registered policies and annuity bonds	1911	325	760
84	Valuation of policies.....	1909	301	555
84	Valuation of industrial life insurance policies.....	1910	616	1582

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86, subd. 1	Assets of life and casualty corporations.....	1913	304	561
88	Surrender values.....	1909	301	557
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88	Surrender values.....	1910	614	1579
89	Discriminations, industrial insurance.....	1911	249	633
91	Agent's certificate of authority.....	1909	301	559
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96	Limitation of new business.....	1910	697	2012
96	Limitation of new business.....	1911	369	845
96	Limitation of new business.....	1913	304	562
97	Limitation of expenses.....	1909	301	560
97	Limitation of expenses.....	1910	697	2013
97	Limitation of expenses.....	1913	304	564
100	Investments by domestic life insurance companies...	1911	767	2035
100	Investments by domestic life insurance companies...	1913	596	1607
101, repealed	Standard forms of life insurance policies.....	1909	301	562
101, added	Standard forms of life insurance policies.....	1909	301	562
101	Standard forms of life insurance policies.....	1911	369	846
102	Life insurance companies issuing participating policies.	1911	369	848
107, added	Standard provisions for accident and health policies..	1910	636	1696
107, repealed	Standard provisions for accident and health policies.	1913	155	272
107, added	Standard provisions for accident and health policies.	1913	155	272
108, added	Discriminations under accident or health policies....	1913	155	282
110	Purposes of insurance.....	1910	168	309
110	Automobile insurance.....	1911	126	189
110	Incorporation of fire insurance corporations.....	1913	296	536
121	Standard fire insurance policy.....	1909	240	403
121	Standard fire insurance policy.....	1910	168	311
121	Lloyds.....	1910	638	1708
121	Standard fire insurance policy.....	1910	668	1923
121	Standard fire insurance policy.....	1913	181	333
121a, added	Fire insurance, appointment of umpire.....	1913	181	335
134	Undertaking of agent.....	1913	304	566
137	Licensed agents for surplus line fire insurance.....	1911	322	743
138, repealed	Tax on unauthorized foreign fire insurance companies.	1909	286	520
138, added	License to issue fire insurance policies in excepted cases	1911	322	745
138a, added	Public adjusters; certificate of authority.....	1913	22	39
138a	Public adjusters; certificate of authority.....	1913	522	1377
139, repealed	Agents of unauthorized foreign fire insurance companies.....	1909	286	520
139, added	Organizations for assisting underwriters.....	1913	23	43
140, repealed	Distribution of tax.....	1909	286	520
140, added	Organizations for assisting in establishing rates.....	1913	21	38
141, repealed	Collector of such tax.....	1909	286	520
141, added	Rate making associations.....	1911	460	1062
141	Rate making associations.....	1912	175	317
141	Rate making associations.....	1913	28	49
142, repealed	Reserve funds of Lloyds, etc.....	1910	638	1709
142, added	Agents' and brokers' certificates of authority.....	1911	748	2008

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142, added	Agents' certificates of authority.....	1913	7	9
143, repealed	Change of name of Lloyds, etc.....	1910	638	1709
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149, added	Foreign mutual fire insurance companies.....	1909	286	517
149	Foreign mutual fire insurance companies.....	1911	161	254
149	Foreign mutual fire insurance companies.....	1911	765	2030
149a, added	Tax.....	1909	286	519
149a	Premium or assessment tax.....	1911	161	256
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150	Marine risks.....	1910	168	312
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170	Powers of title guaranty corporations.....	1911	525	1198
170	Capital of guaranty corporations.....	1913	81	148
170	Capital of guaranty corporations.....	1913	215	378
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183, and amended	Surety companies, filing statement.....	1913	182	338
210	Agreements for benefits.....	1911	536	1212
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215, repealed	Deposit of securities with superintendent of insurance	1911	536	1214
218, added	Admission of minors to certain kinds of insurance....	1911	176	275
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241, repealed	Fraternal beneficiary societies.....	1911	198	448
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242, added	Fraternal beneficiary societies.....	1911	198	459
242	Fraternal beneficiary societies.....	1913	410	862
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260, added	Co-operative fire insurance companies.....	1910	328	574
260	Co-operative fire insurance companies.....	1911	323	747
261, repealed	Town and county co-operative insurance corporations.	1910	328	583
261, added	Co-operative fire insurance companies.....	1910	328	575
261	Co-operative fire insurance companies.....	1911	323	749

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262, repealed	Town and county co-operative insurance corporations.	1910	<del>328</del>	583
262, added	Co-operative fire insurance companies...	1910	328	576
262	Co-operative fire insurance companies...	1911	323	750
263, repealed	Town and county co-operative insurance corporations.	1910	328	583
263, added	Co-operative fire insurance companies...	1910	328	577
264, repealed	Town and county co-operative insurance corporations.	1910	<del>328</del>	583
264, added	Co-operative fire insurance companies...	1910	328	578
264	Co-operative fire insurance companies...	<del>1911</del>	323	752
265, repealed	Town and county co-operative insurance corporations.	1910	<del>328</del>	583
265, added	Co-operative fire insurance companies...	1910	328	580
266, repealed	Town and county co-operative insurance corporations.	1910	328	583
266, added	Co-operative fire insurance companies...	1910	328	581
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267, repealed	Town and county co-operative insurance corporations.	1910	328	583
267, added	Co-operative fire insurance companies...	1910	328	581
267	Co-operative fire insurance companies...	<del>1911</del>	323	754
267	Co-operative fire insurance companies...	1912	90	150
268, repealed	Town and county co-operative insurance corporations.	1910	328	583
268, added	Co-operative fire insurance companies...	1910	328	583
269, repealed	Town and county co-operative insurance corporations.	1910	<del>328</del>	583
269, added	Co-operative fire insurance companies...	1910	328	583
270-280, repealed	Town and county co-operative insurance corporations.	1910	328	583
300, added	Lloyds and inter-insurers...	1910	638	1704
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301, added	Lloyds and inter-insurers...	1910	638	1704
302, added	Lloyds and inter-insurers...	1910	638	1704
302	Lloyds and inter-insurers...	<del>1911</del>	502	1151
303, added	Lloyds and inter-insurers...	1910	<del>638</del>	1704
304, added	Lloyds and inter-insurers...	<del>1911</del>	502	1152
305, added	Lloyds and inter-insurers...	1911	502	1155
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350, added	State fire marshal...	1911	451	1018
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351, added	Duties of state fire marshal...	1911	451	1019
351	Duties of state fire marshal...	1912	<del>451</del>	937
351	Duties of state fire marshal...	<del>1913</del>	204	364
352, added	Deputies of state fire marshal...	1911	451	1019
352	Deputies of state fire marshal...	1912	453	937
353, added	Assistants to state fire marshal...	1911	451	1020
353	Assistants to state fire marshal...	1912	453	938
353	Assistants to state fire marshal...	1913	432	907
354, added	Investigation of fires...	1911	451	1020
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355, added	Inspection of property...	1911	<del>451</del>	1021
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356, added	Powers of state fire marshal, deputies, assistants...	<del>1913</del>	<del>451</del>	1022
356	Inspection of property...	1912	453	939
356	State fire marshal, service of orders...	1913	<del>451</del>	910
357, added	Records...	1911	451	1023
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358	Definition of explosives.....	1912	453	941
359, added	Witnesses.....	1911	451	1023
359	Regulations as to explosives.....	1912	453	943
360, added	Duties of district attorney.....	1911	451	1024
360	Explosives kept in suitable retainers.....	1912	453	944
361, added	Compensation of assistants.....	1911	451	1024
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363, added	Reports of inspection; certificate of compliance.....	1912	453	946
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364	Transportation of explosives.....	1913	393	833
365, added	Records of sale of explosives.....	1912	453	947
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368, added	Penalties.....	1912	453	948
369, added	Powers of fire marshal, deputies, assistants.....	1912	453	948
369	State fire marshal; investigations.....	1913	405	849
369	State fire marshal; investigations.....	1913	520	1367
370, added	Records.....	1912	453	949
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373, added	Duties of district attorney.....	1912	453	950
374, added	Compensation of assistants.....	1912	453	950
375, added	Penalties.....	1912	453	950
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379, added	Regulations by state fire marshal.....	1913	303	552
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87	Destruction of papers by county clerk.....	1911	275	671
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115	Appellate division, first department, official referees..	1912	62	99
115	Appellate division, first and second departments, official referees.....	1912	323	642
116	Appellate division, first department, official referees..	1911	844	2369
116	Appellate division, first and second departments, official referees.....	1912	323	643
117, added	Retirement of employees, appellate division, second department.....	1913	185	340
117, added	Ex-justices of city court of New York as official referees.....	1913	722	1837
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159	Special deputy clerk, Queens county.....	1910	695	2009
159	Special deputy clerk, Queens county.....	1913	108	179
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160, subd. 6, repealed	Confidential clerk to trial justice, fifth district, residing in Jefferson county.....	1912	118	194
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161, subd. 3a, added	Typewriter operator, second judicial department....	1909	401	865
164	Stenographers' expenses.....	1909	240	405
165	Stenographers' compensation, certain districts.....	1909	240	405
168	Appointment of court officers, Nassau and Suffolk counties.....	1911	182	284
169	Appointment of criers for courts of record, Erie county.....	1910	128	228
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195	Chief clerk and assistants, Kings county court.....	1911	826	2334
196	Confidential clerks to county judges.....	1909	562	1602
196	Confidential clerks to county judges.....	1913	563	1540
197, subd. 2	Stenographer, county court, Jefferson county.....	1909	561	1601
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271, subd. 9	Consultation clerk, fourth department, salary.....	1913	632	1685
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279, subd. 3	Salaries of clerks supreme court, Kings county.....	1911	365	837
279, subd. 4	Salaries of confidential clerks, fifth district.....	1912	118	194
279, subd. 5, repealed	Salaries of clerks to justices, fifth district.....	1912	118	194
279, subd. 5, added	Salaries of clerks to justices, sixth district.....	1913	554	1490
279, subd. 6, repealed	Salary of clerk to trial justice, fifth district, residing in Jefferson county.....	1912	118	194
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280	Special deputy clerk, Queens county.....	1910	695	2009
280	Special deputy clerk, Queens county.....	1913	108	180
282	Chief clerk, Kings county court.....	1911	640	1449
283	Chief clerk and assistants, Kings county court.....	1911	640	1450
284	Chief clerk and assistants, Kings county court.....	1911	640	1451
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285	Confidential clerks to county judges.....	1909	563	1603
285	Confidential clerks to county judges, salaries.....	1913	563	1540
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307	Stenographers, appellate division, certain departments	1911	543	1223
307	Compensation, confidential clerks, appellate division, certain departments.....	1912	173	314
307	Compensation of stenographers and confidential clerks, appellate division.....	1913	491	1171
308	Typewriter operators, appellate division, first and second departments.....	1913	387	827
313	Stenographers; except first and second district.....	1910	180	335
313	Compensation of supreme court stenographers.....	1913	491	1172
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347	Compensation of attendants, third and fourth depart- ments.....	1910	304	547
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348a, added	Salaries of messengers and attendants, surrogates' court, New York county.....	1911	267	662
349	Duties of court attendants, Nassau and Suffolk counties.....	1911	182	284
351	Salaries of court attendants, Nassau and Suffolk counties.....	1911	182	285
351	Salaries of court attendants, Queens county.....	1911	566	1277
365	Compensation of court criers.....	1910	34	52
365	Salaries of court criers, Queens county.....	1911	566	1277
366	Compensation of court criers, Erie county.....	1910	17	23
380	Salaries of interpreters, court of general sessions, New York county.....	1911	396	909
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387	Court interpreters.....	1909	274	457
388, added	Temporary appointment of interpreters.....	1912	120	195
389, added	Interpreters for Erie county.....	1913	562	1539
474	Compensation of attorney or counsellor.....	1912	229	441
480, added	Settlement; actions for personal injury.....	1911	603	1622
502, subd. 3	Qualifications of trial jurors, Richmond county.....	1910	96	147
513	Drawing trial jurors, Richmond county.....	1910	95	146
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631	Jurors in New York county.....	1913	537	1411
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17	Seats for female employees.....	1913	197	355
18	Scaffolding.....	1911	693	1820
20	Protection of employees on buildings.....	1911	693	1820
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20a, added	Accidents to be reported.....	1910	155	278
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41	Deputy commissioners.....	1913	145	244
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43	Investigators.....	1910	514	1185
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43, subd. 1	Commissioner of labor and assistants; powers.....	1912	382	738
44	Investigators.....	1910	514	1186
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49, added	Industrial directory.....	1911	565	1276
49, repealed	Industrial directory.....	1913	145	257
Art. 3a (§§ 50-52), added	Industrial board.....	1913	145	246
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art. 5 (§§ 53-61), and amended	Bureau of statistics and information.....	1913	145	255
55 renumbered	Bureau of statistics and information.....	1913	145	255
62, and amended	Bureau of statistics and information.....	1913	145	255
56 renumbered	Information to be furnished upon request.....	1913	145	256
63, and amended	Industrial poisonings to be reported.....	1911	258	646
57 renumbered	Industrial poisonings to be reported.....	1913	145	257
64, and amended	Chief factory inspector.....	1911	729	1954
58, added				
58 renumbered	Bureau of inspection.....	1913	145	250
65, and amended	Factory inspectors.....	1911	729	1954
60	Factory inspectors.....	1912	158	289
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61	Reports.....	1913	145	257
61	Duties relative to apprentices.....	1913	145	257
62, subds. 1, 3	Laws to be posted.....	1913	145	257
63, repealed	Registration of factories.....	1912	335	665
67 renumbered 22	Registration of factories.....	1913	145	258
68 renumbered	Employment of minors.....	1913	529	1401
99a and amended				
69, added	Employment of minors, physicians' certificates.....	1912	333	662
69, transferred to art. 6				
70				
71, subd. (e) and final ¶				

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73	Employment certificates, school record.....	1913	144	241
75	Employment of minors, report of certificates.....	1912	333	663
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76a, added	Physical examination of children in factories.....	1913	200	358
77	Hours of labor; minors and women.....	1912	539	1103
77, subd. 3	Hours of labor of females.....	1913	465	977
78	Exceptions.....	1912	539	1104
78, subd. 2	Employment of male minors in canning establishments.....	1913	465	977
78, subd. 3	Employment of females in canning establishments..	1913	465	977
78, subd. 3 renumbered				
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79	Elevator and hoisting shafts.....	1909	299	546
79	Elevators and hoistways.....	1913	202	361
79a-79f, added	Factory buildings.....	1913	461	951
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80, repealed	Stairs, doors and windows in factories.....	1913	461	966
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81	Protection of employees operating machinery.....	1910	106	161
81	Protection of employees operating machinery.....	1913	286	517
82, repealed	Fire escapes on factories.....	1913	461	966
83	Doors and windows in factories.....	1910	461	895
83, repealed	Fire escapes, doors and windows of factories.....	1913	461	966
83a, added	Fire drills in factories.....	1912	330	659
83a	Fire alarm signal systems and fire drills.....	1913	203	363
83b, added	Automatic sprinklers.....	1912	332	661
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83c	Fire prevention in factories.....	1913	194	351
84	Sanitation of factories.....	1910	114	175
84	Cleanliness of rooms in factories.....	1913	82	149
84a, added	Sanitation of factory buildings.....	1913	198	356
86	Ventilation of factories.....	1913	196	353
87	Accidents to be reported.....	1910	155	279
88	Sanitary conveniences in factories.....	1910	229	416
88	Sanitary conveniences in factories.....	1912	336	665
88	Sanitary conveniences in factories.....	1913	340	633
88a, added	Water closets in factories.....	1913	340	634
89a, added	Eating meals in workrooms prohibited.....	1912	336	666
91, repealed	Boiler inspection in factories.....	1913	523	1383
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93	Employment of women and children.....	1910	107	160
93	Prohibited employment of women and children.....	1913	464	974
93a, added	Employment of females after childbirth prohibited..	1912	331	663
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99, added	Dangerous trades.....	1913	199	357
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106, added	Tenement-made articles.....	1913	260	474

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111	Bakeries, definitions . . . . .	1913	463	968
112	Bakeries, general requirements . . . . .	1911	637	1442
112	Bakeries, general requirements . . . . .	1913	463	969
113	Bakeries, maintenance . . . . .	1911	637	1443
113	Bakeries, maintenance . . . . .	1913	463	969
113a, added	Prohibited employment of diseased bakers . . . . .	1913	463	970
114	Bakeries, inspection . . . . .	1911	637	1443
114	Bakeries, inspection ( <i>See note 17, L. 1913, p. 970.</i> ) . . . . .	1913	463	970
115, repealed	Notice requiring alterations in bakeries . . . . .	1911	637	1444
115, added	Bakeries, sanitary certificates . . . . .	1913	463	971
116, added	Prohibition of future cellar bakeries . . . . .	1913	463	973
116	Prohibition of future cellar bakeries . . . . .	1913	797	2205
117, added	Sanitary code for bakeries and confectioneries . . . . .	1913	463	974
119, added	Protection of employees in mines and tunnels . . . . .	1913	145	258
120	Mines, tunnels and quarries . . . . .	1913	145	258
126	Report of accidents . . . . .	1910	155	279
134a, added	Hours of labor in compressed air . . . . .	1909	291	527
134a	Hours of labor in compressed air . . . . .	1912	219	394
134a	Hours of labor in compressed air . . . . .	1913	528	1396
134b, added	Work in compressed air, medical attendance . . . . .	1909	291	528
134b	Work in compressed air, medical attendance . . . . .	1912	219	396
134b	Work in compressed air, medical attendance . . . . .	1913	528	1398
134c, added	Penalties . . . . .	1909	291	529
134d, added	Work in compressed air, air pipes required . . . . .	1912	219	398
134e, added	Lighting apparatus for work in tunnels . . . . .	1912	219	398
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151, added	Bureau of industries and immigration . . . . .	1910	514	1186
152, added	Bureau of industries and immigration . . . . .	1910	514	1186
152	Bureau of industries and immigration . . . . .	1912	543	1113
153, added	Bureau of industries and immigration . . . . .	1910	514	1187
153	Bureau of industries and immigration . . . . .	1912	543	1113
154, added	Bureau of industries and immigration . . . . .	1910	514	1188
154	Bureau of industries and immigration . . . . .	1912	543	1116
155, added	Bureau of industries and immigration . . . . .	1910	514	1189
156, added	Bureau of industries and immigration . . . . .	1910	514	1190
156 renumbered				
156a	Bureau of industries and immigration . . . . .	1912	543	1119
156a, added	Licensing of immigrant lodging places . . . . .	1911	845	2370
156a renumbered				
156, and amended	Licensing of immigrant lodging places . . . . .	1912	543	1117
156a, subd. 1	Bonds of immigrant lodging places . . . . .	1912	337	667
Art. 11 renumbered art. 12	Women and children in mercantile establishments . . . . .	1913	145	259
161	Hours of labor of minors . . . . .	1910	387	714
161	Hours of labor of minors . . . . .	1911	866	2412
161	Hours of labor, minors and females . . . . .	1913	493	1175
161a, added	Hours of labor of messengers . . . . .	1910	342	605

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162	Employment of children . . . . .	1911	866	2413
163, subd. (e)	Employment certificates, physicians' certificates . . . . .	1913	144	239
165	Employment certificates, school record . . . . .	1913	144	241
166, repealed	Summer vacation certificate . . . . .	1911	866	2413
166, added	Employment certificates, supervision over issuance . . . . .	1913	144	242
167	Registry of children employed . . . . .	1913	145	259
168	Wash-rooms and water-closets . . . . .	1911	866	2413
168	Wash-rooms and water-closets . . . . .	1913	145	261
169	Lunch-rooms . . . . .	1913	145	261
171	Employment of women and children in basements . . . . .	1913	145	261
172	Enforcement of article . . . . .	1913	145	262
173	Laws to be posted . . . . .	1913	145	262
180	Mercantile inspector . . . . .	1910	516	1198
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200-202, amended; 202a, 205-212, added	Employer's liability . . . . .	1910	352	625
215-219, 219a-219g, added	Workmen's compensation in dangerous employments . . . . .	1910	674	1945
Art. 15	Employment of children; street trades . . . . .	1913	618	1644
220	Prohibited employment, children in street trades . . . . .	1913	618	1644
221	Permit and badge; children in street trades . . . . .	1913	618	1644
222	Contents of permit; badge . . . . .	1913	618	1645
223	Regulations; badge and permit . . . . .	1913	618	1646
224	Limit of hours, children in street trades . . . . .	1913	618	1646
225	Enforcement of article . . . . .	1913	618	1646
226	Violations of article; how punished . . . . .	1913	618	1646
227, added	Punishment of parent; delinquency of children . . . . .	1913	618	1647
<b>LEGISLATIVE LAW:</b> (L. 1909, ch. 37, constituting cons. laws, ch. 32.)				
5	Members of legislature, salaries when payable . . . . .	1911	618	1414
10	Compensation of sergeants-at-arms . . . . .	1911	45	63
45	Publication of constitutional amendments . . . . .	1911	272	667
46, subd. 3	Distribution of bound volumes of session laws . . . . .	1910	393	724
48, subd. 1	Publication of session laws, New York county . . . . .	1911	97	144
49, repealed	Forwarding session law slips to county clerks . . . . .	1913	764	1908
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5, repealed	Public improvement; liens . . . . .	1911	450	1017
5, added	Public improvement; liens . . . . .	1911	873	2582
11	Service of copy of notice . . . . .	1913	88	154
12, repealed	Public improvement; notice of lien . . . . .	1911	450	1017

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12, added	Public improvement; notice of lien . . . . .	1911	873	2582
16, repealed	Public improvement; assignment of contract . . . . .	1911	450	1017
16, added	Public improvement; assignment of contract . . . . .	1911	873	2583
18, repealed	Public improvement; duration of lien . . . . .	1911	450	1017
18, added	Public improvement; duration of lien . . . . .	1911	873	2584
19, subd. 3	Discharge of lien . . . . .	1909	240	406
19, subd. 3	Discharge of lien . . . . .	1909	427	909
21, repealed	Public improvement; discharge of lien . . . . .	1911	450	1017
21, added	Public improvement; discharge of lien . . . . .	1911	873	2585
25, repealed	Public improvement; priority of liens . . . . .	1911	450	1017
25, added	Public improvement; priority of liens . . . . .	1911	873	2586
42, repealed	Public improvement; enforcement of lien . . . . .	1911	450	1017
42, added	Public improvement; enforcement of lien . . . . .	1911	873	2586
60, repealed	Public improvement; judgment in action to foreclose lien . . . . .	1911	450	1017
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62, added	Public contracts; laborers and material men to be secured . . . . .	1911	450	1015
62, repealed	Public contracts; laborers and material men to be secured . . . . .	1911	873	2587
63, added	Public contracts; lien of laborer or material man . . . . .	1911	450	1016
63, repealed	Public contracts; lien of laborer or material man . . . . .	1911	873	2587
64, added	Public contracts; enforcement of lien . . . . .	1911	450	1016
64, repealed	Public contracts; enforcement of lien . . . . .	1911	873	2587
65, added	Public contracts; complaint in action to enforce lien . . . . .	1911	450	1017
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66, added	Public contracts; costs in action to enforce lien . . . . .	1911	450	1017
66, repealed	Public contracts; costs in action to enforce lien . . . . .	1911	873	2587
81, 82, 90	Liens on canal boats . . . . .	1910	182	338
200	Inn-keeper's lien . . . . .	1910	214	395
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2	Definitions . . . . .	1909	281	487
2	Definitions . . . . .	1910	485	929
3	State commissioner of excise. ( <i>See note 2, L. 1910,</i> <i>p. 988.</i> ) . . . . .	1910	503	986
6	Orange county, special deputy commissioner . . . . .	1913	782	1978
7	Special agents; attorneys . . . . .	1909	281	488
8	Excise taxes . . . . .	1909	281	490
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8, subd. 8	Enumeration . . . . .	1910	485	931
8, subd. 9, added	Issuance of certificates . . . . .	1910	494	952
8, subd. 9	Issuance of certificate . . . . .	1911	298	705
8, subd. 10, added	Issuance of certificate . . . . .	1913	168	311
12, subd. 17	Account of excise moneys . . . . .	1909	240	406

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13	Local option.....	1910	485	932
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15, ¶ 8	Consents; effect of cancellation of certificate.....	1910	503	988
15, ¶ 8	Consents.....	1911	643	1457
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30, subd. J	Illegal sales.....	1910	485	937
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33	Liquors kept for unlawful traffic.....	1913	614	1637
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33, ¶ 2	Liquors kept for unlawful traffic.....	1910	485	938
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8	Number of passengers carried.....	1913	765	1909
11, repealed	Sailing rules.....	1913	765	1910
11, added	Sailing rules.....	1913	765	1910
12, repealed	Lights on vessels.....	1913	765	1910
12, added	Lights on vessels.....	1913	765	1912
17	Licenses.....	1913	765	1913
19	Names of vessels.....	1913	765	1914
26	Copy of law to be posted.....	1913	765	1914
32	Vessel owners to notify inspectors.....	1913	765	1914
33	Penalties.....	1913	765	1914

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37-39, 39a-39f, added	Motor boats.....	1913	765	1916
40a, added	Removal of ice gorges in Hudson river.....	1910	312	557
47, added	Harbor masters along Hudson river.....	1911	620	1415
50a, added	Buoys and beacons.....	1910	421	764
86	Claim for salvage.....	1909	240	407
100	Application of chapter.....	1913	765	1919
Schedule of repeals	L. 1890, ch. 569, §§ 137-150, inserted.....	1909	240	423
<b>PENAL LAW:</b> (L. 1909, ch. 88, constituting cons. laws, ch. 40.)				
71	Abduction or compulsory marriage.....	1909	524	1317
190	Poisoning domestic animals.....	1910	81	127
222	Arson in second degree.....	1913	154	271
223	Arson in third degree.....	1913	154	271
271	None but attorneys to practice in cities of first and second-class.....	1910	327	573
280, added	Corporations not to practice law.....	1909	483	1170
280	Voluntary associations not to practice law.....	1911	317	738
290, 298	Issue of certificates of deposit.....	1910	398	729
303, added	False statements or rumors as to banking institutions.....	1912	211	377
304, added	Falsification of books and reports of corporations....	1912	208	373
305, added	Property and credit of banking corporation.....	1913	102	172
390	Bucket shops.....	1913	236	425
395, added	Bucket shops.....	1913	236	426
421	False statements, sale of real estate.....	1911	759	2023
421	False advertisements, sale of real estate.....	1912	321	640
421	False advertisements.....	1913	590	1598
443, added	Tickets issued by People's Institute not transferable.....	1909	424	905
444, added	Discriminations by exchanges or members.....	1913	477	998
444, added	Manufacture and sale of mattresses.....	1913	503	1189
483, subd. 3, repealed	Contributing to juvenile delinquency..	1910	699	2021
484, subd. 1	Admitting children to moving picture shows.....	1909	278	485
484, subd. 1	Admitting children to pool or billiard rooms.....	1910	383	710
484, subd. 1	Permitting children to attend certain resorts.....	1910	475	915
484, subd. 1	Admitting children to pool rooms and bowling alleys.....	1911	243	613
486, subd. 5	Transfer of incorrigible children.....	1912	169	306
494, added	Contributing to juvenile delinquency.....	1910	699	2017
517, added	Discrimination against United States uniform.....	1911	410	938
584, added	Conspiracies.....	1910	395	725
611, repealed	Testimony in seduction, abduction, etc.....	1909	524	1317
670, added	Misconduct by officers and directors of certain insurance corporations and societies.....	1910	620	1589
750	Candidates at primary elections.....	1910	430	806
752	Crimes against elective franchise.....	1909	306	574
760a, added	Misconduct respecting designation petitions.....	1912	207	371
776	Filing candidate's statement of expenses.....	1910	439	820

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851	Threats constituting extortion.....	1911	602	1368
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852	Punishment for extortion.....	1911	602	1368
856	Blackmail.....	1909	368	754
857	Attempted extortion by oral threats.....	1911	121	183
889, subd. 4	Forgery, third degree.....	1912	342	673
936a, added	Unlawful dues of secret fraternities.....	1911	837	2347
950, added	False statements as to employment.....	1911	575	1331
951, added	Reporting fictitious transactions in securities.....	1913	476	997
952, added	False statement or advertisement as to securities....	1913	475	997
953, added	Manipulation of prices of securities.....	1913	253	448
954, added	Trading by brokers against customers' orders.....	1913	592	1601
955, added	Transactions by brokers after insolvency.....	1913	500	1184
956, added	Hypothecation of customers' securities by brokers..	1913	500	1184
957, added	Brokers to give customer memoranda of transactions.	1913	593	1602
973	Gaming and betting establishments.....	1910	487	944
986	Book-making.....	1910	488	945
1140a, added	Immoral plays and exhibitions.....	1909	279	485
1141a, added	Indecent prints and pictures.....	1909	280	486
1146	Disorderly houses.....	1910	619	1588
1146	Disorderly houses.....	1913	591	1600
1148, added	Male persons living on earnings of prostitution.....	1910	382	709
1191	Discrimination by life insurance corporations.....	1913	180	332
1199	Acting for foreign corporation not having designated superintendent of insurance as attorney.....	1913	50	85
1203, added	Issue of false literature by insurance corporations....	1913	483	1163
1221	Intoxication in a public place.....	1911	700	1890
1250	Penalty for kidnapping.....	1909	246	435
1250	Kidnapping.....	1911	625	1420
1272	Payment of wages by corporations.....	1909	205	322
1273, repealed	Seats for women employees.....	1913	349	648
1275	Violations of labor law.....	1911	749	2012
1275	Violations of labor laws.....	1913	349	647
1275, subd. 7a, added	Violation of provisions of labor law.....	1912	383	739
1293a, added	Unauthorized use of vehicles.....	1909	514	1305
1293a	Unauthorized use of vehicles.....	1910	621	1590
1293b, added	Obtaining property or credit by false statement.....	1912	340	671
1296	Grand larceny, second degree.....	1912	164	298
1421	Burning crops or timber.....	1910	474	914
1423	Injury to mile-boards, etc., on highways.....	1911	316	736
1425, subd. 11a, added	Damaging motor vehicle.....	1909	525	1318
1433	Injury to property; how punished.....	1912	163	297
1460 renumbered 1092	Husband and wife.....	1909	524	1316
Art. 138, heading, repealed	Married women.....	1909	524	1317
1484	Converting military property; wearing uniform, etc..	1913	555	1491
1500a, added	Mufflers for motor boats, Lake George.....	1911	758	2022
1510, added	Mufflers for motor boats, tidal waters.....	1911	840	2355

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1563	Advertising as ticket agents; false information . . . . .	1911	415	944
1566	Sale of railway transfers . . . . .	1909	204	321
1572, added	Soliciting surrender of tickets from immigrants . . . . .	1911	540	1218
1620	Perjury . . . . .	1909	240	407
1746	Sale of cocaine or eucaine . . . . .	1910	131	231
1746, repealed	Sale of cocaine or eucaine . . . . .	1913	470	984
1746, added	Sale of cocaine or eucaine . . . . .	1913	470	984
1820a, added	Notaries public and commissioners of deeds . . . . .	1910	471	911
1896	Making and disposing of dangerous weapons . . . . .	1911	195	442
1897	Carrying and use of dangerous weapons . . . . .	1911	195	442
1897	Carrying and use of dangerous weapons . . . . .	1913	608	1627
1899	Destruction of dangerous weapons . . . . .	1911	195	443
1914, added	Sale of pistols and other firearms . . . . .	1911	195	444
1914	Sale of pistols and other firearms . . . . .	1913	608	1630
1943, renumbered				
2461	Concealment of birth of issue . . . . .	1909	524	1317
1988	Railroads; guard posts, automatic couplers . . . . .	1913	398	841
2052, added	Stealing or destruction of will . . . . .	1910	357	639
2074, added	Theatrical presentations of the Divinity, prohibited . . . . .	1911	319	740
2147	Public traffic on Sunday . . . . .	1913	346	645
2151	Parades on Sunday . . . . .	1911	147	237
2151	Parades on Sunday . . . . .	1913	16	25
2175-2177, added	Seduction . . . . .	1909	524	1317
2184	Sentence of minors to certain institutions . . . . .	1913	607	1626
2186	Sentence of minors . . . . .	1909	478	1163
2189	Indeterminate sentences . . . . .	1909	282	511
2197, repealed	Commitments for five years or less . . . . .	1909	467	1122
2198, added	Sentence to state prisons . . . . .	1909	240	408
2221, added	Burials on canal lands prohibited . . . . .	1910	144	265
2354, subd. 5	Offenses against trade marks . . . . .	1909	240	408
2414a, added	False weights and measures, presumption of knowledge . . . . .	1911	53	73
2444	Convict competent witness . . . . .	1909	240	408
2446, added	Waiver of immunity by witness . . . . .	1912	312	568
2460	Compulsory prostitution of women . . . . .	1910	618	1535
2461, repealed	Seduction . . . . .	1909	524	1317
Schedule of repeals	L. 1888, ch. 490, § 6, inserted . . . . .	1909	240	423
Schedule of repeals	L. 1894, ch. 426, § 3, inserted . . . . .	1909	240	423
<b>PERSONAL PROPERTY LAW:</b> (L. 1909, ch. 45, constituting cons. laws, ch. 41.)				
12, subd. 2	Gift for charitable, etc., purposes . . . . .	1909	144	222
12, subd. 4, added	Application of funds collected for charitable purposes . . . . .	1911	220	494
13a, added	Trusts for care of cemetery lots . . . . .	1909	218	343
13a	Trusts for care of cemetery lots . . . . .	1911	430	967

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15	When proceeds of life insurance policy not alienable..	1911	327	765
20	Commissions of trustee appointed by supreme court.	1911	217	491
23, added	Revocation of trusts.....	1909	247	436
31, subd. 6, ¶ 1, repealed	Statute of frauds, sale of goods.....	1911	571	1326
36, repealed	Sale without delivery and change of possession.....	1911	571	1326
42	Loans on salaries.....	1911	626	1421
45, added	Notice of liens to secure loans.....	1911	326	762
Art. 5 (§§ 80, 81), renumbered art. 6 (§§ 165, 166)	Laws repealed; when to take effect.....	1911	571	1298
Art. 5 (§§ 82-158), added	Sales of goods.....	1911	571	1298
Art. 6 (§§ 162-185), added	Stock transfers.....	1913	600	1614
187-241, added	Bills of lading.....	1911	248	619
	<b>POOR LAW:</b> (L. 1909, ch. 46, constituting cons. laws, ch. 42.)			
3, subd. 14	Payments of money by county superintendents.....	1912	75	119
27	Taxation in towns for support of poor.....	1909	429	913
29	Support of poor in cities.....	1909	380	792
30, subd. 2	Indigent persons, Westchester county.....	1912	309	563
56	Poor children.....	1909	347	657
80	Relief of soldiers, sailors and marines.....	1910	102	154
81	Post or camp; notice that it assumes charge.....	1910	102	155
81	Relief of veterans and families.....	1913	594	1603
82, 83	Relief of Spanish war veterans.....	1910	102	157
84	Burial of soldiers, sailors or marines.....	1912	306	560
85	Relief of Spanish war veterans.....	1910	102	158
Art. 6a (§§ 86, 87), added	Relief for women nurses.....	1913	595	1605
118	Almshouse construction and administration.....	1913	251	446
	<b>PRISON LAW:</b> (L. 1909, ch. 47, constituting cons. laws, ch. 43.)			
21	Bertillon system.....	1912	106	182
21	Bertillon system.....	1913	501	1185
70	Names and locations of state prisons.....	1909	479	1164
94	State Prison for Women; salaries.....	1912	105	181
95	Physician and chaplain, State Prison for Women....	1909	527	1320
97	Commitment of women.....	1909	240	409
114	Compensation of officers in state prisons.....	1912	50	77
115	Principal keeper at Sing Sing Prison.....	1912	107	183
119	Bonds of certain officers.....	1910	631	1627
210	Salaries of members of board of parole.....	1910	703	2037



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211	Parole.....	1909	489	1179
211a, added	Parole of indeterminates.....	1910	669	1926
212	Meetings of board of parole.....	1910	703	2038
218	Absolute discharge of paroled prisoner.....	1912	286	518
230	Commutation of sentence.....	1912	79	124
243	Commutation of sentence.....	1910	403	738
281	Managers of reformatories.....	1909	240	410
283	Management of reformatories.....	1909	240	410
289	Compensation of officers in state reformatories.....	1912	50	78
357	Jail liberties, Genesee county.....	1911	174	273
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<b>PUBLIC BUILDINGS LAW:</b> (L. 1909, ch. 48, constituting cons. laws, ch. 44.)				
8, amended; 9-12, added	Selection of architects for state work.....	1910	448	843
64	Admission to soldiers' home.....	1911	577	1333
64	Admission to soldiers' home.....	1912	190	337
Art. 6, §§ 70-72, added	Schuyler mansion.....	1911	440	987
Art. 6 renum- bered art. 7	Public buildings generally.....	1911	440	987
Art. 7 renum- bered art. 8	Laws repealed; when to take effect.....	1911	440	987
<b>PUBLIC HEALTH LAW:</b> (L. 1909, ch. 49, constituting cons. laws, ch. 45.)				
2	State department of health.....	1913	559	1515
2a, added	Public health council.....	1913	559	1515
2b, added	Sanitary code.....	1913	559	1516
2c, added	Enforcement of sanitary code.....	1913	559	1517
3	Compensation of officers and employees.....	1913	559	1517
3a, added	Divisions in state department of health.....	1913	559	1518
4	General powers and duties of commissioner.....	1913	559	1518
4a, added	Sanitary districts; supervisors; nurses.....	1913	559	1519
4b, added	Laboratories; duties of commissioner.....	1913	559	1520
4c, added	Hospitals for contagious diseases.....	1913	559	1520
5	Vital statistics.....	1909	557	1594
5, repealed	Vital statistics.....	1913	619	1664
5a, added	Regulation of autopsies.....	1913	620	1664
11	Commissioner to act, where no health officer.....	1913	559	1521
13	Tenement houses in cities.....	1913	559	1521
14	Inspection of institutions.....	1910	92	142

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14	Approval of certain works built by state; inspection of institutions . . . . .	1913	559	1521
20	Appointment of local health officers . . . . .	1909	165	271
20	Local boards of health . . . . .	1913	559	1522
21	Local boards of health . . . . .	1909	480	1164
21	Local boards of health; powers and duties . . . . .	1913	559	1523
21a, added	Local boards of health, powers as to sewers . . . . .	1913	559	1525
21b, added	Powers and duties of health officers . . . . .	1913	559	1526
21c, added	Public health nurses . . . . .	1913	559	1527
22	Vital statistics . . . . .	1909	407	876
22	Vital statistics . . . . .	1910	639	1710
22	Vital statistics . . . . .	1911	279	675
22, repealed	Vital statistics . . . . .	1913	619	1664
23	Burials . . . . .	1909	407	877
23, repealed	Burials . . . . .	1913	619	1664
25	Infectious, contagious and communicable diseases . . . . .	1913	559	1528
27	Expense of removing waters breeding mosquitos . . . . .	1913	559	1529
31	Removal of nuisances . . . . .	1913	559	1529
34	Jurisdiction of town boards of health . . . . .	1913	559	1530
35	Expenses of local boards, how paid . . . . .	1913	559	1530
38	Exceptions and limitations, New York city . . . . .	1913	559	1530
70	Rules and regulations of department . . . . .	1911	695	1827
71	Inspection of water supply . . . . .	1911	695	1828
73	Sewerage . . . . .	1911	695	1830
76	Discharge of sewage into waters . . . . .	1911	553	1254
76a, added	Pollution of waters . . . . .	1911	553	1255
77	Permit for discharge of sewage . . . . .	1911	553	1256
84	Violations as to discharge of sewage . . . . .	1911	553	1257
100, amended; 101, 102, repealed	Quarantine commissioners abolished . . . . .	1909	375	774
103	Custody of quarantine establishment, port of New York . . . . .	1909	375	774
103	Health officer, port of New York . . . . .	1910	425	784
105-111	Quarantine commissioners abolished . . . . .	1909	375	775
120	Health officer, port of New York . . . . .	1910	425	785
121	Health officer, port of New York . . . . .	1909	375	777
121	Health officer, port of New York . . . . .	1912	109	187
122	Health officer, port of New York . . . . .	1909	375	777
122	Health officer, port of New York . . . . .	1910	425	785
124, 128, 134	Quarantine commissioners abolished, etc . . . . .	1909	375	777
138	Lien for services and expenses . . . . .	1909	375	779
138	Health officer, port of New York, fees . . . . .	1913	162	301
139, 142	Quarantine commissioners abolished, etc . . . . .	1909	375	779
144	Health officer, port of New York . . . . .	1909	375	781
144	Health officer, port of New York . . . . .	1910	425	786
144	Health officer, port of New York . . . . .	1913	136	226
145	Health officer, port of New York . . . . .	1909	375	782
166, subd. 5	Admission to medical examinations . . . . .	1912	141	262
191	State dental society . . . . .	1912	171	307
195	Dental examiners . . . . .	1910	137	247
196	Eligibility to dental examination . . . . .	1911	786	2091
219	Veterinarians; licenses . . . . .	1912	178	321

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236	Practice of pharmacy . . . . .	1910	422	764
236	Working hours and sleeping rooms in pharmacies . . .	1911	630	1428
237-240	Practice of pharmacy . . . . .	1910	422	764
240, subd. 9	Pharmacies, violations of regulations . . . . .	1911	630	1429
240a, added	Prosecution for violation of pharmacy provisions . . .	1913	223	392
241, added	Practice of pharmacy . . . . .	1910	422	764
252	Registration of nurses, waiver of examination . . . . .	1913	390	830
271	Chiropody, eligibility to certificate without examination . . . . .	1912	199	356
271	Chiropody; eligibility to certificate without examination . . . . .	1913	499	1183
272, 273	Chiropody; examination for license; expenses . . . . .	1912	199	356
277	Falsely claiming to be member of pedic society . . . . .	1912	199	358
278-281	Chiropody; registration of license; penalties . . . . .	1912	199	358
290	Board of embalming examiners . . . . .	1911	841	2356
290	Board of embalming examiners . . . . .	1913	71	122
291	Board of embalming examiners . . . . .	1913	71	123
293	Examination for embalmer's license . . . . .	1913	71	124
294	Embalmer's license . . . . .	1913	71	125
295	Certified undertakers . . . . .	1911	841	2356
295	Undertaker's license . . . . .	1913	71	125
296	Reciprocal licenses; license not assignable . . . . .	1913	71	126
298	Embalming without a license . . . . .	1911	841	2358
299, added	Violations of art. 14 . . . . .	1911	841	2358
303	Optometry, exemption from examination . . . . .	1909	134	211
307	Optometry, violations of law . . . . .	1913	498	1182
316	Cadavers for medical and surgical study . . . . .	1913	335	626
318, repealed	Prescriptions of opium, etc. . . . .	1910	422	780
318a, added	Sale of hypodermic syringes . . . . .	1911	278	674
319	Hospitals for tuberculosis . . . . .	1909	171	278
320	Tuberculosis, reports by physicians and others . . . . .	1913	559	1530
322	Protection of records of tuberculosis . . . . .	1913	559	1531
324	Disinfection of premises infected with tuberculosis . . .	1909	240	411
324	Disinfection by health authorities . . . . .	1910	427	789
324	Disinfection, etc., by health authorities . . . . .	1913	559	1532
326a, added	Control of dangerous and careless patients . . . . .	1913	559	1533
328	Reports of tuberculosis cases . . . . .	1909	426	907
328	Reports of tuberculosis cases . . . . .	1911	490	1103
328	Reports of tuberculosis cases . . . . .	1913	559	1534
329	Penalty imposed on physicians . . . . .	1913	559	1536
332	Application of provisions . . . . .	1909	240	411
335, added	Cold storage; definitions . . . . .	1911	335	775
336, added	Cold storage food to be marked . . . . .	1911	335	775
336a, added	Cold storage; license . . . . .	1913	560	1537
337, added	Time cold storage foods may be kept . . . . .	1911	335	775
338, added	Cold storage; powers of commissioner of health . . . . .	1911	335	775
338a, added	Cold storage; food to be condemned . . . . .	1913	560	1538
339, 339a-339d, added	Cold storage . . . . .	1911	335	776
Art. 17a (§§ 343a-343c), added	Cleanliness in preparation and service of food . . . . .	1913	552	1488

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344, 345, added	State institute for study of malignant disease.....	1911	128	205
346, added	State institute for study of malignant disease.....	1911	128	206
346	State institute for study of malignant disease.....	1913	91	159
347, added	State institute for study of malignant disease.....	1911	128	206
Art. 18 renumbered art. 19	Laws repealed; when to take effect.....	1911	128	208
Art. 19 (§§ 350, 351) renumbered art. 20 (§§ 360, 361)	Laws repealed; when to take effect.....	1912	445	924
Art. 19 (§§ 350-353), added	Operation for prevention of procreation.....	1912	445	924
Art. 20 (§§ 360, 361) renumbered art. 21, (§§ 450, 451)	Laws repealed; when to take effect.....	1913	619	1647
Art. 20 (§§ 370-394), added	Vital statistics.....	1913	619	1648
Art. 20 renumbered art. 21	Laws repealed; when to take effect.....	1913	630	1681
Art. 20 (§§ 354-356), added	Sanitary conditions in hotels.....	1913	630	1682
<b>PUBLIC LANDS LAW:</b> (L. 1909, ch. 50, constituting cons. laws, ch. 46.)				
32	Sale of unappropriated state lands.....	1909	240	411
60	Escheats.....	1911	399	912
60	Escheats.....	1912	272	500
60, subd. 3	Escheats.....	1909	240	412
60, subd. 3	Escheats.....	1909	509	1286
60, subd. 7	Escheats.....	1909	240	412
102, subd. 8, added	State reservation at Niagara, powers of commissioners	1912	236	451
Art. 10 (§§ 110-112) renumbered art. 11 (§§ 120-122)	Construction; laws repealed; when to take effect....	1911	731	1955
Art. 10 (§§ 110-117), added	Watkins Glen, board of commissioners.....	1911	731	1956
Art 11 renumbered art. 12	Construction; laws repealed; when to take effect....	1913	167	308
Art. 11, added	Newtown battlefield reservation.....	1913	167	308
120 renumbered 140	Construction.....	1913	167	308
120, added	Newtown battlefield reservation.....	1913	167	308
121 renumbered 141	Laws repealed.....	1913	167	308
121, added	Newtown battlefield reservation.....	1913	167	309

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142	When to take effect.....	1913	167	308
122, added	Newtown battlefield reservation.....	1913	167	309
123-127, added	Newtown battlefield reservation.....	1913	167	309
<b>PUBLIC OFFICERS LAW:</b> (L. 1909, ch. 51, constituting cons. laws, ch. 47.)				
10	Official oaths.....	1913	59	99
11	Official undertakings.....	1911	424	958
11	Official undertakings.....	1912	481	1001
11	Official undertakings.....	1913	325	605
16, added	Qualifications of certain judicial officers.....	1913	586	1589
63	Leaves of absence to veterans on Memorial day.....	1910	335	591
71, added	Vacations of employees of state and civil divisions..	1910	680	1968
<b>PUBLIC SERVICE COMMISSIONS LAW</b> (L. 1910, ch. 480, constituting cons. laws, ch. 48.) (See note L. 1910, p. 923.)				
2, subd. 9	Common carriers.....	1913	344	640
2, subd. 9a, added	Baggage companies.....	1913	344	641
2, subds. 17-20, added	Telegraph and telephone lines and companies.....	1910	673	1929
2, subd. 21, added	Steam plant defined.....	1913	505	1192
2, subd. 21, added	Stock yards.....	1913	506	1206
2, subd. 22, added	Steam corporation defined.....	1913	505	1192
5, subd. 1, subd. h, added	Steam corporations.....	1913	505	1192
5, subds. 5-7, added	Telegraph and telephone lines and companies.....	1910	673	1929
5, subd. 8, added	Stock yards.....	1913	506	1207
7	Proceedings as evidence.....	1913	597	1609
33, subd. 3	Free or reduced transportation.....	1911	546	1226
33, subd. 4	Power of commission as to reduced rates.....	1911	546	1227
38	Liability for damage to property in transit.....	1913	344	641
49, subd. 1	Power of commission to fix rates.....	1911	546	1228
54	Transfer of franchises or stocks.....	1911	788	2094
55a, added	Reorganization of railroad corporations, etc.....	1912	289	522
66, subd. 3	Standards for measurement of gas.....	1913	504	1190
69a, added	Reorganization of gas and electrical companies.....	1912	289	523
70	Transfer of franchises, approved.....	1911	788	2096
Art. 4a (§§ 78-82, 82a, 83-89, 89a), added	Steam heating corporations.....	1913	505	1193
80-87 renumbered 120-127	Telegraph and telephone lines and companies.....	1910	673	1929
90-92, added	Telegraph and telephone lines and companies.....	1910	673	1929
92, subd. 3	Free passes, telephone and telegraph companies.....	1911	124	187

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<b>PUBLIC SERVICE COMMISSIONS LAW — (<i>Con'd</i>).</b>				
93-101, added	Telegraph and telephone lines and companies . . . . .	1910	673	1929
101a, added	Reorganization of telegraph and telephone companies . . . . .	1912	289	523
102, 103, added	Telegraph and telephone lines and companies . . . . .	1910	673	1443
Art. 5 renumbered art. 6	Telegraph and telephone lines and companies . . . . .	1910	673	1929
<hr/>				
<b>RAILROAD LAW:</b> (L. 1910, ch. 481, constituting cons. laws, ch. 49. <i>See notes. L. 1910, pp. 917, 923, and amendments to former railroad law (L. 1890, ch. 565) in table of laws, other than consolidated laws, amended. L. 1910, appendix, p. 39.</i> )				
17	Acquisition of real property . . . . .	1913	284	513
21	Railroads along highways . . . . .	1913	743	1864
54a, added	Full crews for certain trains . . . . .	1913	146	263
78	Coal jimmies and caboose cars . . . . .	1913	497	1180
88	Conductors and brakemen as policemen . . . . .	1911	817	2315
89	New railroads across streets . . . . .	1913	425	893
89	Alteration of crossings at county roads . . . . .	1913	744	1866
90	Alteration of crossings at county roads . . . . .	1913	744	1867
91	Petition for alteration of crossing . . . . .	1911	141	226
91	Petition for alteration of existing crossings . . . . .	1913	354	654
91	Alteration of crossings at county roads . . . . .	1913	744	1868
92	Alteration of crossings at county roads . . . . .	1913	744	1870
93	Alteration of crossings at county roads . . . . .	1913	744	1870
94	Expense of constructing new crossings . . . . .	1911	141	228
94	Expense of constructing new crossings . . . . .	1913	354	656
94	Expense of constructing new crossings . . . . .	1913	425	894
94	Alteration of crossings at county roads . . . . .	1913	744	1871
95	Proceedings for alteration of grade crossings . . . . .	1913	354	659
97	Alteration of crossings at county roads . . . . .	1913	744	1875
99	Alteration of crossings at county roads . . . . .	1913	744	1875
140, subd. 1	Powers of consolidated corporations owning continuous lines . . . . .	1911	506	1161
170	Condemnation by street surface railroads . . . . .	1911	418	949
178	Repair of streets . . . . .	1912	368	719
191	Construction of street railroads in parks, etc. . . . .	1912	482	1003
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<b>REAL PROPERTY LAW:</b> (L. 1909, ch. 52, constituting cons. laws, ch. 50.)				
10	Tenure of real property by aliens . . . . .	1913	152	269
12-14, repealed	Tenure of real property by aliens . . . . .	1913	152	270
67, 68, 70	Lease of real property held by certain life tenants . . . . .	1913	55	92
111	Commissions of trustee appointed by supreme court . . . . .	1911	216	490
113, subd. 2	Gifts for charitable, etc., purposes . . . . .	1909	144	222
114a, added	Trusts for care of cemetery lots . . . . .	1909	218	344

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260	Grant or mortgage of real property adversely possessed	1909	481	1167
280	Grant or mortgage of real property adversely possessed	1910	<del>481</del>	1624
301, subd. 9, added	Acknowledgment and proofs in Austria-Hungary....	1912	70	111
310	Authentication of certificate of acknowledgment....	1911	196	445
311	Authentication of acknowledgments..	1911	209	371
322	Discharge of mortgage, in certain counties....	1912	<del>224</del>	477
333, added	Recording instruments affecting real property....	1910	<del>227</del>	414
333, added	Execution of satisfaction of mortgage....	1911	574	1328
334, added	Filing of maps....	1910	415	756
362	Notice to persons interested in title....	1909	240	412
370	Application to register title....	1911	627	1602
374	Assistant deputy register....	1909	305	573
379, 380, 382, 383, 385-387, amended; 388, repealed; 388, added; 390, 391, 393, 398, amended; 404, repealed; 404, added; 406, 410, 416, 432, amended; 434, re- pealed; 434, <del>434</del>	Registering titles to real property....	1910	627	1603
451, added	Acquisition of lands for cemetery purposes....	1909	274	477
451	Acquisition of lands for cemetery purposes....	1912	300	550
Schedule of re- peals	R. S., pt. 2, ch. 1, tit. 1, §§ 1-4, 8-20, inserted....	1909	240	422
Schedule of re- peals	L. 1794, ch. 1, §§ 1, 3-7, inserted....	1909	240	422
<b>RELIGIOUS CORPORATIONS LAW:</b> (L. 1909, ch. 53, constituting cons. laws, ch. 51.)				
12	Real property of religious corporations....	1912	290	524
12	Real property of religious corporations....	1913	128	210
16	Property of extinct churches....	1909	408	878
16	Property of extinct churches....	1910	185	348
47, added	Free churches in communion with Episcopal church..	1913	<del>197</del>	1166
131	Baptist churches; meetings for incorporation....	1913	397	839
136	Baptist churches; number of trustees....	1913	397	840
195	Corporate meetings....	1911	711	1912
197	Number of trustees of an incorporated church....	1910	249	443



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<b>SALT SPRINGS LAW:</b> (L. 1909, ch. 54, constituting cons. laws, ch. 52.)				
5	Superintendent of Onondaga salt springs, office abolished.....	1911	458	1060
40, repealed	Superintendent of Onondaga salt springs.....	1911	458	1061
Schedule of repeals	L. 1867, ch. 261, omitted.....	1909	240	421
Schedule of repeals	L. 1897, ch. 261, inserted.....	1909	240	423
<b>SECOND CLASS CITIES LAW:</b> (L. 1909, ch. 55, constituting cons. laws, ch. 53.)				
60	Temporary and funded debts.....	1910	692	2005
60	Temporary and funded debts.....	1911	60	81
60	Temporary and funded debts.....	1913	43	70
79	Contracts and expenditures prohibited.....	1912	195	342
81, added	Appropriations for band concerts.....	1911	493	1115
91	Commissioner of public works.....	1912	189	335
122	Contracts for lighting.....	1913	70	121
124	Contracts for paving.....	1913	141	234
130, 131	Buildings department created.....	1909	573	1661
137, 138	Appeals from commissioner of public safety.....	1910	266	477
149, 152, 155-157, added	Buildings department created.....	1909	573	1662
<b>STATE BOARDS AND COMMISSIONS LAW:</b> (L. 1909, ch. 56, constituting cons. laws, ch. 54.)				
1-4, repealed	State water supply commission.....	1911	647	1550
5	State water supply commission.....	1910	285	513
5, repealed	State water supply commission.....	1911	647	1550
6	State water supply commission.....	1910	285	513
6, repealed	State water supply commission.....	1911	647	1550
7	State water supply commission.....	1910	285	513
7, repealed	State water supply commission.....	1911	647	1550
8-11, repealed	State water supply commission.....	1911	647	1550
12	Proceedings for river improvement.....	1911	36	48
12	Proceedings for river improvement.....	1911	420	951
12, repealed	State water supply commission.....	1911	647	1550
12a, added	Creation of river improvement districts.....	1909	464	1106
12a	Creation of river improvement districts.....	1911	142	231
12a, repealed	State water supply commission.....	1911	647	1550
13, repealed	State water supply commission.....	1911	647	1550
14	Entry upon lands.....	1909	464	1107
14, repealed	State water supply commission.....	1911	647	1550
15, 16, repealed	State water supply commission.....	1911	647	1550
17	Bonds for river improvement.....	1909	464	1108
17, repealed	State water supply commission.....	1911	647	1550

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	<b>STATE BOARDS AND COMMISSIONS LAW</b> (Continued).			
18	Apportionment of cost.....	1909	464	1109
18, repealed	State water supply commission.....	1911	647	1550
19	Assessment and collection of cost.....	1909	464	1111
19, repealed	State water supply commission.....	1911	647	1550
20	River improvement certificates.....	1909	464	1113
20, repealed	State water supply commission.....	1911	647	1550
21	Operation and expenses.....	1909	464	1113
21, repealed	State water supply commission.....	1911	647	1550
22, repealed	State water supply commission.....	1911	647	1550
22a, added	Collectors and other officers.....	1909	464	1113
22a, repealed	State water supply commission.....	1911	647	1550
22b, added	Ratification of proceedings.....	1909	464	1114
22b, repealed	State water supply commission.....	1911	647	1550
23, 24, repealed	State water supply commission.....	1911	647	1550
25, added	Improvement of water courses at private expense....	1909	284	513
25, repealed	State water supply commission.....	1911	647	1550
26, added	Refund of expenses.....	1909	284	515
26, repealed	State water supply commission.....	1911	647	1550
30	State probation commission.....	1910	613	1577
41	Term and expenses of commissioners.....	1909	240	413
Schedule of re- peals	L. 1894, ch. 349, inserted.....	1909	240	423
	<b>STATE CHARITIES LAW:</b> (L. 1909, ch. 57, constituting cons. laws, ch. 55.)			
Analysis of ar- ticles	Generally.....	1909	258	453
41	Office and clerical force of fiscal supervisor.....	1913	173	319
42	Powers and duties of fiscal supervisor.....	1909	149	229
42	Powers and duties of fiscal supervisor.....	1911	405	924
44	Fiscal year.....	1909	149	230
44	Fiscal year.....	1911	405	925
45	Expenses; contingent fund.....	1909	149	230
45	Expenses; contingent fund.....	1911	9	10
45	Expenses; contingent fund.....	1911	405	926
45	Expenses; contingent fund.....	1913	663	1751
46	Receipts and expenditures.....	1909	149	231
47	Affidavit of steward; vouchers.....	1911	405	927
48	Purchases.....	1909	149	232
48	Purchases.....	1911	305	718
48	Purchases.....	1913	662	1748
49	Erection, repairs, etc.....	1909	149	233
49	Contracts in connection with state institutions.....	1910	47	75
50	Visitations and reports.....	1909	149	235
50	Visitations and reports by managers.....	1911	405	928
51	Managers and trustees.....	1909	149	236
52, added	Admission to state charitable institutions.....	1911	843	2368
60-62, 66-69	Managers and officers, Syracuse State Institution for Feeble-Minded Children.....	1910	449	846

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<b>STATE CHARITIES LAW — (Continued).</b>				
70	Syracuse Institution for Feeble-Minded Children, clothing for pupils.....	1911	609	1382
71, added	Syracuse Institution for Feeble-Minded Children, sewer system.....	1910	376	694
81	Managers, State Custodial Asylum for Feeble-Minded Women.....	1910	449	848
91, 92	Managers, Rome State Custodial Asylum.....	1910	449	849
95, added	Rome State Custodial Asylum.....	1909	339	637
95, subds. 9, 10, added	Rome State Custodial Asylum.....	1912	448	929
101	Managers, Craig Colony for Epileptics.....	1910	449	849
102	Buildings and improvements, Craig Colony.....	1909	149	237
102	Buildings and improvements, Craig Colony.....	1910	449	850
103	Managers, Craig Colony.....	1910	449	850
103, subd. 3	Managers, Craig Colony.....	1909	149	238
104	Annual report, Craig Colony.....	1909	149	238
104	Annual report of managers, Craig Colony.....	1910	449	851
107, 108	Duties of superintendent and of agent as treasurer, Craig Colony.....	1910	449	851
110	Support of state patients, Craig Colony.....	1909	149	238
114, repealed	Notice of opening of Craig Colony.....	1910	449	854
114, added	Craig Colony, detention and discharge of inmates....	1911	588	1348
115 renumbered				
114	Maintenance expenses, Craig Colony.....	1910	449	854
116	Sale of products, Craig Colony.....	1909	149	239
116 renumbered				
115	Sale of products, Craig Colony.....	1910	449	854
117, added	Designation of special policemen at Craig Colony....	1910	260	463
Art. 9 renumbered art. 18	Care of inebriate women.....	1909	258	452
120-128 renumbered 340-348	Care of inebriate women.....	1909	258	452
Art. 10 renumbered art. 9	Hospital for Crippled and Deformed Children.....	1909	258	452
130	Hospital for Crippled and Deformed Children.....	1909	149	239
130	Hospital for Crippled and Deformed Children.....	1909	240	413
131	Managers, Hospital for Crippled and Deformed Children.....	1910	449	854
132	Managers, Hospital for Crippled and Deformed Children.....	1910	449	854
132, subd. 2	Book of proceedings, Hospital for Crippled and Deformed Children.....	1909	149	239
132, subd. 3	Report, Hospital for Crippled and Deformed Children	1909	149	239
133	Surgeon in chief, Hospital for Crippled and Deformed Children.....	1910	449	856
133, subd. 3	Estimates for Hospital for Crippled and Deformed Children.....	1909	149	240
134, repealed	Salaries, Hospital for Crippled and Deformed Children	1910	449	856
135, 136 renumbered 134, 135	Hospital for Crippled and Deformed Children.....	1910	449	856
136	Hospital for Crippled and Deformed Children.....	1911	172	271
137, 138 renumbered 136, 137	Hospital for Crippled and Deformed Children.....	1910	449	856

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139	Managers' report, Hospital for Crippled and Deformed Children .....	1909	149	240
Art. 11 renumbered art. 10	Raybrook Hospital .....	1909	258	452
151	Trustees, Raybrook Hospital .....	1910	449	856
153	Trustees, Raybrook Hospital .....	1910	449	857
153, subd. 4	Proceedings of trustees, Raybrook Hospital .....	1909	149	240
154	Report of trustees, Raybrook Hospital .....	1909	149	240
154	Report of trustees, Raybrook Hospital .....	1910	449	858
157, 158, 162	Superintendent, treasurer, and free patients, Raybrook Hospital .....	1910	449	858
Art. 12 renumbered art. 17	Aged, decrepit and mentally enfeebled persons .....	1909	258	452
170-174 renumbered 320-324	Aged, decrepit and mentally enfeebled persons .....	1909	258	452
Art. 13 renumbered art. 11	Institutions for juvenile delinquents .....	1909	258	452
180	State Agricultural and Industrial School .....	1910	449	861
182, 184, 191	State Agricultural School and House of Refuge for Juvenile Delinquents .....	1910	449	861
199, 200	State Training School for Girls .....	1910	449	863
200	Managers, State Training School for Girls .....	1911	447	1003
201	State Training School for Girls .....	1910	449	863
204	State Training School for Girls, commitments .....	1910	449	864
204	State Training School for Girls, commitments .....	1911	486	1090
204, subd. 1	State Training School for Girls .....	1909	340	639
206	State Training School for Girls, children of inmates ..	1911	555	1259
213	United States female juvenile delinquents .....	1910	449	866
214	Effect of art. 11 .....	1909	240	413
Art. 14 renumbered art. 12	House of refuge and reformatory for women .....	1909	258	452
220	House of refuge and reformatory for women .....	1909	258	454
220	House of refuge and reformatory for women .....	1910	449	866
221	Managers, house of refuge and reformatory for women .....	1910	449	867
223	Officers and employees of certain institutions for women .....	1909	149	241
226	Commitments, house of refuge and reformatory for women .....	1910	449	867
226	Commitments of females .....	1913	605	1623
Art. 15 renumbered art. 21	Anchorage at Elmira .....	1909	258	452
250 renumbered 400	Anchorage at Elmira .....	1909	258	452
251 renumbered 401	Anchorage at Elmira .....	1909	258	452
251	Managers, Woman's Relief Corps Home .....	1910	449	868
252 renumbered 402	Anchorage at Elmira .....	1909	258	452
253 renumbered 403	Anchorage at Elmira .....	1909	258	452
253, repealed	Managers, Woman's Relief Corps Home .....	1910	449	868

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254 renumbered 404	Anchorage at Elmira.....	1909	258	452
254 renumbered 253	Managers, Woman's Relief Corps Home.....	1910	449	869
255	Commitments to Anchorage at Elmira.....	1909	240	413
255 renumbered 405	Anchorage at Elmira.....	1909	258	452
255 renumbered 254	Report, Woman's Relief Corps Home.....	1910	449	869
255	Admission to Woman's Relief Corps Home.....	1911	601	1366
255	Admission to Woman's Relief Corps Home.....	1912	310	564
256 renumbered 406	Anchorage at Elmira.....	1909	258	452
256	Inmates, Woman's Relief Corps Home.....	1910	133	234
256 renumbered 255	Admission to Woman's Relief Corps Home.....	1910	449	869
257 renumbered 407	Anchorage at Elmira.....	1909	258	452
257 renumbered 256	Managers, Woman's Relief Corps Home.....	1910	449	869
258 renumbered 408	Anchorage at Elmira.....	1909	258	452
258 renumbered 257	Record, Woman's Relief Corps Home.....	1910	449	869
259-269 renumbered 409-419	Anchorage at Elmira.....	1909	258	452
271	Managers, Thomas Indian School.....	1910	449	869
272	Managers, Thomas Indian School.....	1910	449	869
274	Superintendent, Thomas Indian School.....	1910	449	870
Art. 16 renumbered art. 19	Burnham Industrial Farm.....	1909	258	452
280-292 renumbered 360-372	Burnham Industrial Farm.....	1909	258	452
Art. 17 renumbered art. 20	Shelter for Unprotected Girls.....	1909	258	452
300 renumbered 380	Shelter for Unprotected Girls.....	1909	258	452
301 renumbered 381	Shelter for Unprotected Girls.....	1909	258	452
301	Placing out destitute children.....	1910	449	871
302, 303 renumbered 382, 383	Shelter for Unprotected Girls.....	1909	258	452
304 renumbered 384	Shelter for Unprotected Girls.....	1909	258	452
304	Visitation of destitute children.....	1909	258	454
305, 306 renumbered 385, 386	Shelter for Unprotected Girls.....	1909	258	452
307 renumbered 387	Shelter for Unprotected Girls.....	1909	258	452
307	Placing out destitute children.....	1909	258	455
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308	Placing out destitute children.....	1909	258	455

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309-311 renumbered 389-391	Shelter for Unprotected Girls.....	1909	258	452
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320-325 renumbered 250-255	Woman's Relief Corps Home.....	1909	258	453
326	Admission to Woman's Relief Corps Home.....	1909	240	414
326 renumbered 256	Woman's Relief Corps Home.....	1909	258	453
327, 328 renumbered 257, 258	Woman's Relief Corps Home.....	1909	258	453
Art. 19 renumbered art. 14	Thomas Indian School.....	1909	258	452
340, 341 renumbered 270, 271	Thomas Indian School.....	1909	258	453
342 renumbered 272	Thomas Indian School.....	1909	258	453
342, subd. 3	Proceedings of managers, Thomas Indian School....	1909	149	241
343 renumbered 273	Thomas Indian School.....	1909	258	453
343, subd. 2	Duties of officers, Thomas Indian School.....	1909	149	241
344-346 renumbered 274-276	Thomas Indian School.....	1909	258	453
Art. 20 renumbered art. 15	Licensing dispensaries.....	1909	258	452
350-356 renumbered 290-296	Licensing dispensaries.....	1909	258	453
Art. 21 renumbered art. 16	Licenses for placing out destitute children.....	1909	258	452
360-367 renumbered 300-307	Licenses for placing out destitute children.....	1909	258	453
368 renumbered 308	Licenses for placing out destitute children.....	1909	258	453
368	Burnham Industrial Farm.....	1909	258	455
372	Powers and liabilities, Burnham Industrial Farm....	1910	449	872
380-386 renumbered 450-456	General provisions.....	1909	258	453
387 renumbered 457	Fees of witnesses at investigations.....	1909	258	453
387	Shelter for Unprotected Girls.....	1909	258	456
388, 389 renumbered 458, 459	General provisions.....	1909	258	453
400, 401 renumbered 470, 471	Laws repealed; when to take effect.....	1909	258	453
<b>STATE FINANCE LAW:</b> (I. 1909, ch. 58, constituting cons. laws, ch. 56.)				
2a, added	Payment of salaries of state employees.....	1910	317	563
4, subd. 5	Comptroller's warrants.....	1913	342	637
10	Deposit of moneys by state officers.....	1911	294	698

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14	Temporary loans and revenue bonds.....	1913	645	1699
16	Accounts and contracts.....	1913	342	637
19	Securities of depositories of state institutions.....	1910	77	122
19	Deposit of funds by state institutions.....	1911	293	697
37	Payments to treasurer by health officer, port of New York.....	1910	440	822
37	Payments to state treasurer.....	1912	162	296
48, 49, added	Statements of desired appropriations to be filed with comptroller.....	1910	149	270
50, added	Separate specifications for certain contract work.....	1912	514	1043
63	Charges on canal fund.....	1913	267	486
Art. 5, schedule of sections	Education funds.....	1911	634	1432
81	Education funds.....	1910	201	371
82	Education funds.....	1911	634	1432
83, repealed	Education funds.....	1911	634	1432
84 renumbered				
83, and amended	Education funds.....	1911	634	1432
85, repealed	Education funds.....	1911	634	1432
86 renumbered				
84, and amended	Education funds.....	1911	634	1432
87	Education funds.....	1910	201	371
87 renumbered				
85, and amended	Education funds.....	1911	634	1432
88 renumbered				
86, and amended	Education funds.....	1911	634	1432
89 renumbered				
87, and amended	Education funds.....	1911	634	1432
90	Education funds.....	1910	201	371
90 renumbered				
88, and amended	Education funds.....	1911	634	1432
91	Education funds.....	1910	201	371
91 renumbered				
89, and amended	Education funds.....	1911	634	1432
92	Education funds.....	1909	520	1312
92 renumbered				
90, and amended	Education funds.....	1911	634	1432
93 renumbered				
91, and amended	Education funds.....	1911	634	1432
94 renumbered				
92, and amended	Education funds.....	1911	634	1432
95, repealed	Education funds.....	1911	634	1432
96, repealed	Education funds.....	1911	634	1432
97 renumbered				
93	Education funds.....	1911	634	1432
Schedule of repeals	L. 1864, ch. 185, § 4, omitted.....	1909	240	421



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Section.	SUBJECT.	Year.	Chapter.	Page.
<p style="text-align: center;"><b>STATE LAW:</b> (L. 1909, ch. 59, constituting cons. laws, ch. 57.)</p>				
2	Connecticut boundary line.....	1912	352	692
2	Connecticut boundary line.....	1913	18	27
3	Massachusetts boundary line.....	1910	447	835
50	Acquisition by United States of lands for parade grounds.....	1910	109	171
50	Purchase of lands by United States for naval purposes.....	1911	527	1201
51	Acquisition by United States of lands for parade grounds.....	1910	109	171
55	Deeds of land acquired by United States.....	1909	240	414
Schedule of repeals	L. 1828, ch. 20, § 15, ¶¶ 1, 2, omitted.....	1909	240	420
<p style="text-align: center;"><b>STATE PRINTING LAW:</b> (L. 1909, ch. 60, constituting cons. laws, ch. 58.)</p>				
11	Publication of reports.....	1909	413	894
11	Extra copies of reports.....	1910	392	720
<p style="text-align: center;"><b>STOCK CORPORATION LAW:</b> (L. 1909, ch. 61, constituting cons. laws, ch. 59.)</p>				
10	Reorganization of corporation, plan or agreement....	1911	858	2399
19-23, added	Corporations having stock without par value.....	1912	351	687
26	Change of number of directors.....	1909	421	903
64	Increase or reduction of capital stock.....	1913	305	567
<p style="text-align: center;"><b>TAX LAW:</b> (L. 1909, ch. 62, constituting cons. laws, ch. 60.)</p>				
4, subd. 21, added	Exemption of household furniture and personal effects.....	1912	267	495
9	Place of taxation of real property.....	1911	315	732
16, added	Taxation of lands used for forestry purposes.....	1912	249	469
17, added	Taxation of lands maintained as wood lots.....	1912	363	710
20	Ascertaining facts for assessment.....	1911	116	179
20	Ascertaining facts for assessment.....	1911	805	2131
20	Ascertaining facts for assessment.....	1912	270	497
21	Preparation of assessment-roll.....	1911	315	732
21	Preparation of assessment-roll.....	1912	266	493
21a, added	Assessment-rolls in cities.....	1911	315	732
21b, added	Assessment of real property, Suffolk county.....	1912	269	496
22	Assessment of state lands.....	1912	245	464
30-32, repealed	Real property of nonresidents and corporations.....	1911	315	734
30, added	Tax maps in each tax district.....	1911	315	734
36	Notice of completion of assessment-roll.....	1909	403	866
40	Apportionment of assessments of special franchises, etc.	1912	271	498

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Section.	SUBJECT.	Year.	Chapter.	Page.
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40	Apportionment of assessments of special franchises, etc.....	1913	556	1492
43	Special franchise valuations.....	1909	275	480
43	Assessment of special franchises.....	1910	7	9
43	Assessment of special franchises.....	1910	458	890
43	Assessment of special franchise.....	1911	804	2127
45	Special franchise assessment, hearings.....	1911	804	2127
45a, added	Special franchise assessment, final valuation, etc....	1911	804	2128
46	Special franchise assessments, review.....	1911	804	2130
46a, added	Special franchise valuations.....	1911	875	2589
47	Employment of experts in certiorari proceedings....	1911	471	1075
47	Expenses of certiorari proceedings.....	1913	134	224
50	Equalization by board of supervisors.....	1911	801	2119
54	Description of real property.....	1911	315	735
60	Statement of taxes.....	1913	556	1494
61	Statement of valuation.....	1911	118	180
63	Errors in assessment-rolls.....	1911	315	735
64, added	Statistics of taxation, revenue and debt.....	1911	119	181
70	Notice to nonresidents.....	1909	207	323
73	Payment of taxes by gas corporations.....	1912	221	401
81	Fees of collector.....	1909	240	415
85	Extension of time for collection.....	1910	332	586
88a, added	Reassessment of taxes.....	1913	666	1758
89	Unpaid taxes on resident property; reassessed.....	1913	666	1759
94	Receipt for taxes.....	1911	579	1335
100	Return of unpaid nonresident taxes.....	1913	377	811
100	Return of unpaid nonresident taxes.....	1913	642	1695
150	When lands to be sold for unpaid taxes.....	1913	377	812
150	When lands sold for unpaid taxes.....	1913	642	1695
151	Advertisement and sale.....	1913	377	813
151	Advertisement and sale.....	1913	642	1696
151a, added	New certificate on setting aside tax sale.....	1913	369	677
156	Refund of purchase money at tax sales.....	1912	268	496
170	State board of tax commissioners.....	1913	502	1187
173	Tax commissioners to visit counties.....	1911	120	182
180	Organization tax.....	1910	472	911
180	Organization tax.....	1911	91	129
181	License tax on foreign corporations.....	1910	340	603
190	Purchase of state bonds; credit given.....	1913	357	663
190	Purchase of state bonds; credit given.....	1913	794	2201
220	Taxable transfers.....	1910	706	2041
220	Taxable transfers.....	1911	732	1958
221	Exemptions from taxable transfers.....	1910	600	1440
221	Exceptions and limitations of transfer tax.....	1910	706	2043
221	Exceptions and limitations of transfer tax.....	1911	732	1959
221	Exceptions and limitations of transfer tax.....	1912	206	370
221	Exceptions and limitations of transfer tax.....	1913	356	662
221	Exceptions and limitations of transfer tax.....	1913	795	2203
221a, added	Rate of transfer tax.....	1911	732	1960
221b, added	Exemptions from transfer tax.....	1913	639	1693
225	Refund of transfer tax.....	1911	308	723
229	Taxable transfers.....	1909	283	512

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229	Transfer tax appraisers, etc.....	1910	706	2045
229	Transfer tax appraisers, appointment.....	1911	803	2124
229	Transfer tax appraiser, Rensselaer county.....	1912	214	379
229	Transfer tax appraisers, etc., appointment.....	1913	366	673
230	Transfer tax appraisers, proceedings.....	1911	800	2113
234	Salary of transfer tax clerk, Albany county.....	1910	70	113
234	Salaries of transfer tax clerks, various counties.....	1911	681	1776
234	Salary of transfer tax clerk, Albany county.....	1912	45	70
234, subd. 6	Salary of transfer tax clerk, Queens county.....	1911	160	253
234, subd. 8	Salary of transfer tax clerk, Monroe county.....	1913	429	905
234, subd. 14, added	Transfer tax clerk, Nassau county.....	1911	744	1979
240	Transfer tax reports of county treasurer.....	1911	800	2116
241	Transfer tax, report of comptroller; payments; re- funds.....	1911	800	2117
243	Transfer tax, definitions.....	1910	706	2046
243	Transfer tax, definitions.....	1911	732	1961
256	Tax on mortgages.....	1913	665	1754
258	Effect of nonpayment of taxes on mortgages.....	1913	665	1755
259	Tax on trust mortgage.....	1909	412	890
259	Tax on trust mortgage.....	1913	665	1755
264	Optional tax on prior advanced mortgages..	1910	601	1441
265, added	Tax a lien.....	1909	412	892
266, added	Enforcement.....	1909	412	893
267, added	Recovery against trust mortgagee.....	1909	412	894
270, L. 1905, ch. 241, § 315 re- enacted as	Stock transfer tax, amount, stamps.....	1910	38	64
270	Stock transfer tax, amount, stamps.....	1911	352	801
270	Stock transfer tax, amount, stamps.....	1912	292	528
270	Amount of stock transfer tax.....	1913	779	1968
271a, added	Sale of transfer tax stamps.....	1911	12	14
272	Failure to pay stock transfer tax.....	1911	352	802
272	Failure to pay stock transfer tax.....	1912	292	529
273	Canceling stamps; penalty for failure.....	1911	352	802
275	Illegal use of stock transfer tax stamps.....	1911	12	14
275	Illegal use of stock transfer tax stamps.....	1912	292	530
275a, added	Stock transfer tax; registration.....	1913	779	1970
276	Determination of tax on transfers of stock.....	1910	453	882
276	Determination of tax on transfers of stock.....	1911	352	803
276	Determination of tax on transfers of stock.....	1912	292	530
276	Stock transfer tax; power of state comptroller.....	1913	779	1971
277	Penalties for violation of stock transfer tax.....	1912	292	532
280, added	Refunds of taxes on stock transfers.....	1910	186	350
293	Return to writ of certiorari.....	1909	330	618
293	Return to writ of certiorari.....	1911	302	713
301	Personal tax.....	1909	374	773
330-337, added	Taxation of secured debts.....	1911	802	2121

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<b>TENEMENT HOUSE LAW:</b> (L. 1909, ch. 99, constituting cons. laws, ch. 61.)				
2, subd. 1	Definitions . . . . .	1912	13	26
2, subds. 4, 12	Definitions . . . . .	1912	454	966
3	Buildings converted or altered . . . . .	1912	454	951
7	Houses located at corner of two streets . . . . .	1913	551	1475
15, renumbered	Fire proof tenement; when required . . . . .	1913	551	1475
14	Egress, means of . . . . .	1913	551	1475
15, added	Fire-escapes . . . . .	1909	354	671
16	Fire-escapes . . . . .	1913	551	1476
16, subd. 1	Fire-escapes . . . . .	1912	454	951
17	Bulkheads . . . . .	1910	445	832
18	Stairs and public halls . . . . .	1912	454	953
21	Stairways and stairs . . . . .	1912	454	954
22	Stair halls . . . . .	1912	454	954
22, subd. 1	Stair halls . . . . .	1913	551	1479
22a, added	Tower fire-escapes . . . . .	1912	454	966
24	First tier of beams . . . . .	1913	551	1480
25	Partitions . . . . .	1912	454	956
27	Cellar and basement stairs . . . . .	1912	454	956
28	Closet under first story stairs . . . . .	1912	454	956
30	Fire stops . . . . .	1912	454	956
32	Scuttles, etc. . . . .	1909	354	674
33	Alterations; buildings moved . . . . .	1912	454	957
36	Shafts . . . . .	1912	454	957
37	Plastering behind wainscoting . . . . .	1912	454	957
38	Wooden buildings on same lot . . . . .	1912	454	957
50	Percentage of lot occupied . . . . .	1913	551	1481
51	Height of tenement . . . . .	1912	454	958
52	Yards . . . . .	1912	454	959
54	Yards of corner lots . . . . .	1913	551	1481
54a, added	Retaining walls in yards and courts . . . . .	1913	551	1482
55	Yard spaces . . . . .	1912	454	959
56	Courts . . . . .	1913	551	1482
57	Outer courts . . . . .	1913	551	1483
57, subd. 1	Outer courts . . . . .	1912	454	953
59	Outer and inner courts . . . . .	1912	454	960
59	Outer and inner courts . . . . .	1913	551	1485
62	Rooms, lighting and ventilation . . . . .	1912	454	961
63	Windows in rooms . . . . .	1912	454	961
64	Size of rooms . . . . .	1912	454	962
66	Public halls . . . . .	1912	454	962
66a, added	Elevator-vestibules . . . . .	1912	454	966
68	Windows for stair halls . . . . .	1912	454	963
68	Windows for stair halls, size of . . . . .	1913	551	1486
70	Percentage of lot occupied . . . . .	1912	454	963
73	Rooms . . . . .	1909	354	675
75	New light shafts in existing buildings . . . . .	1912	454	963
76	Lights in halls . . . . .	1911	388	886
77	Skylights and ventilators . . . . .	1909	354	676
78	Chimneys and fireplaces . . . . .	1912	168	305
78	Chimneys and fireplaces . . . . .	1912	454	964

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79	Vent flues.....	1912	454	964
90	Basements and cellars.....	1913	551	1486
93	Water-closet accommodations.....	1912	454	964
95	Basement rooms.....	1909	354	677
100	Basements and cellars.....	1909	354	678
109	Prohibited uses.....	1913	598	1610
121	Certificate of compliance.....	1909	354	678
122	Unlawful occupation.....	1909	354	679
140	Registry of owner's name.....	1913	598	1610
150	Vagrancy.....	1913	598	1611
153	Permission of owner for certain uses.....	1913	598	1612
154	Rules of evidence in actions.....	1913	598	1612
170	Application of chapter to second class cities.....	1911	388	886
	TOWN LAW: (L. 1909, ch. 63, constituting cons. laws, ch. 62.)			
41	Terms of assessors.....	1910	271	483
43, subd. 13, added	Town records.....	1909	422	904
46	Special town meetings.....	1910	188	356
53-55	Qualification of voters.....	1913	124	206
64	Canvass of votes.....	1909	240	415
80	Town officers.....	1909	491	1181
80	Election and terms of assessors.....	1910	271	484
82	Term of office.....	1909	491	1181
82	Terms of assessors.....	1910	271	485
82	Terms of town officers.....	1913	231	403
85	Compensation of town officers.....	1909	491	1182
89	Fires in woods.....	1909	491	1183
89	Forest fires.....	1910	630	1626
89, repealed	Forest fires.....	1912	371	722
91	Delivery of books, etc., by officer to successor.....	1909	491	1183
92a, added	Town clerks' undertakings.....	1912	136	252
98, subd. 1	Supervisor to receive moneys.....	1909	491	1184
98, subd. 1	General duties of supervisors.....	1913	606	1625
98, subd. 8, added	Forest fires.....	1910	630	1626
98, subd. 8	Forest fires.....	1912	371	722
109, repealed	Commissioners of highways.....	1909	491	1184
110	Pound master.....	1909	491	1184
111	Town superintendent of highways.....	1909	491	1184
112	Overseers of poor.....	1912	203	365
117	Special constables.....	1913	148	264
118	Special constables.....	1913	148	265
119, 120, repealed	Tree warden.....	1909	491	1185
121	Fence viewers.....	1909	491	1185
122, added	Peace officers in certain towns.....	1909	147	227
122-124, added	Police justice.....	1909	528	1320
125, added	Clerks to supervisors and collectors.....	1913	163	303

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131	Town boards, special meetings.....	1909	140	217
131	Town boards, regular and special meetings.....	1913	571	1551
133	Lists of accounts against town.....	1910	316	560
136a, added	Appropriations for Memorial day.....	1912	185	329
137	Grand army posts, Greene county.....	1911	465	1068
138a, added	Town board, power to borrow money.....	1913	571	1552
141, added	Power of town boards to borrow money.....	1912	258	483
153	Lists of accounts against town.....	1910	316	561
154	Compensation of town auditors.....	1910	24	38
154	Compensation of town auditors.....	1912	72	112
154	Meetings and compensation of town auditors.....	1912	258	484
154	Compensation of town auditors.....	1913	17	26
155	Lists of accounts against town.....	1910	316	562
170, subd. 8, repealed	Maintenance of watering trough.....	1909	491	1185
171	Fees in criminal proceedings.....	1909	523	1315
171	Fees in criminal proceedings.....	1913	111	182
177	Appeals from audit of town board.....	1910	61	98
195	Limitation of indebtedness.....	1913	116	196
215	Licensing public vehicles and entertainments.....	1913	496	1179
230	Sewer systems outside of cities and villages.....	1910	134	235
230	Petition for establishment of sewer system.....	1911	507	1162
230a, added	Construction of portion of sewer system.....	1912	205	368
231	Sewer systems outside of cities and villages.....	1910	134	237
231	Sewer commissioners.....	1911	507	1164
233	Sewer systems outside of cities and villages.....	1910	134	237
234	Sewer systems outside of cities and villages.....	1910	134	237
235	Sewer systems outside of cities and villages.....	1910	134	238
236	Sewer systems outside of cities and villages.....	1913	73	130
237	Sewer systems outside of cities and villages.....	1910	134	238
240	Reapportionment of assessments for sewers.....	1911	251	636
241-244	Sewer systems outside of cities and villages.....	1910	134	240
245, repealed	Lien of sewer assessment.....	1910	134	242
245, added	Sewer connections.....	1913	421	886
246-248, added	Sewer systems outside of cities and villages.....	1913	72	128
250-252, added	Sidewalks.....	1910	183	342
253, added	Sidewalks.....	1910	183	342
253	Sidewalk tax.....	1911	139	223
254, added	Sidewalks.....	1910	183	342
261	Lighting districts, Westchester county.....	1910	671	1928
288a, added	Refunding of indebtedness, water supply districts....	1912	22	37
298, added	Water districts.....	1909	356	681
299, added	Enlarging water supply system.....	1912	275	504
310	Town fire companies.....	1910	408	747
310	Town fire companies.....	1912	238	453
313	Appropriations for fire companies.....	1910	408	747
313	Appropriations for fire company.....	1912	238	454
314	Assessments for maintaining fire company.....	1910	408	748
314	Assessments for maintaining fire company.....	1912	238	455
314a, added	Fire companies in incorporated cities and villages....	1912	238	455
314b, added	Incorporated fire companies.....	1913	392	832
315, added	Fire ordinances.....	1910	408	748

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315	Fire ordinances.....	1912	238	455
332	Care of cemeteries.....	1909	473	1135
360, 361, 369	Division fences.....	1911	86	121
460	Town boards in certain towns.....	1909	491	1185
460	Town boards in certain towns.....	1909	511	1289
461	Town boards in certain towns.....	1909	491	1185
461	Town boards in certain towns.....	1909	511	1290
462	Town boards in certain towns.....	1909	491	1186
462	Town boards in certain towns.....	1909	511	1290
468, 470, 472	Government of certain towns.....	1909	511	1290
474	Acquisition of land for town purposes.....	1911	671	1760
477	Lighting streets.....	1910	283	510
482	Sidewalks; sewer and water connections in certain towns.....	1909	511	1292
483	Maps of proposed sewer district.....	1911	564	1274
484	Hearing objections to proposed sewer.....	1911	564	1274
486	Laying new highways; lighting highways.....	1910	283	511
501, 502	Assessment roll in certain towns.....	1909	511	1293
523	Officers in certain towns.....	1909	491	1186
530	Town meetings in certain towns.....	1909	240	416
533	Officers in certain towns.....	1909	240	416
533	Officers in certain towns.....	1909	491	1187
534	Accounting by officers of certain towns.....	1909	240	417
543, 563, 573, 583, 584	Officers in certain towns.....	1909	491	1187
586, added	Compensation of town officers, Orange and Rockland counties.....	1911	230	507
590	Laws repealed.....	1909	240	417
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Schedule of repeals	L. 1908, ch. 432, inserted.....	1909	240	424
	<b>TRANSPORTATION CORPORATIONS LAW:</b> (L. 1909, ch. 219, constituting cons. laws, ch. 63.)			
25, added	Stage coach lines.....	1913	495	1178
153-159, added	Freight terminal corporations.....	1911	778	2075
	<b>VILLAGE LAW:</b> (L. 1909, ch. 64, constituting cons. laws, ch. 64.)			
2	Requisite population.....	1909	555	1591
3	Proposition for incorporation.....	1909	555	1591
5, subd. 3	Area of territory.....	1909	555	1592
10	Time of holding elections.....	1910	416	757



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14	Election to incorporate.....	1911	114	177
33, added	Incorporation in certain cases.....	1910	258	461
33	Incorporation in certain cases.....	1913	658	1714
40a, added	Change of classification of villages.....	1910	321	567
41, subd. 2	Eligibility of women to vote on certain propositions..	1910	135	242
42	Eligibility to office.....	1913	53	90
51	Registration of voters.....	1910	423	781
51a, added	Registration of voters.....	1910	423	781
51a, added	Registration of voters.....	1911	427	963
52	Annual elections.....	1909	472	1130
56	Borrowing money for highways.....	1910	4	5
63	Boards of park commissioners.....	1909	469	1123
63	Boards of police commissioners.....	1913	53	91
80	Filing maps of village.....	1911	205	477
86	Compensation and duties of village officers.....	1911	66	91
86	Compensation of collectors.....	1913	61	101
88, subd. 22a, added	Band concerts.....	1911	519	1192
88, subd. 22a renumbered 89, subd. 22a. and amended	Band concerts.....	1913	19	32
89, subd. 7	Fire limits.....	1910	651	1748
89, subd. 15	Drains.....	1910	454	884
89, subd. 24	Contracts for fire protection.....	1911	495	1117
90, subd. 5a, added	Barbed wire fences.....	1910	69	113
90a, added	Building and sanitary codes.....	1910	202	376
100	Fiscal year.....	1909	472	1131
104	Annual assessment roll.....	1909	472	1131
105	Hearing of complaints as to assessment rolls.....	1909	472	1132
106	Completion and verification of assessment rolls.....	1909	472	1133
107	Failure of assessors to meet.....	1909	472	1133
108	Notice of completion of assessment roll.....	1909	472	1134
108	Notice of completion of assessment-roll.....	1913	378	814
110, subd. 6, added	Special tax where June election adopted.....	1909	472	1134
115	Collection of taxes.....	1913	61	102
128	Borrowing money generally.....	1911	57	76
128	Borrowing money generally.....	1911	738	1972
128, subd. 13, added	Borrowing money for highways.....	1910	4	7
131	Second election to raise money.....	1910	598	1438
134-138, added	Purchases of land at tax sales, certain villages.....	1913	234	420
145	Petition for street improvement.....	1911	310	726
145a, added	Street improvements in villages of second class.....	1911	403	923
146, subd. 5, added	Notice to railroad company of laying out street.....	1912	224	406
148	Street improvement.....	1913	126	208
162	Credit for flagging sidewalks.....	1911	515	1175
165	Sprinkling streets.....	1912	125	231
166	Construction of sidewalks.....	1909	430	915

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186	Civil jurisdiction of police justices.....	1911	501	1149
224	Waterworks system, supervision and extension.....	1913	557	1494
229	Establishment of water rents.....	1913	183	338
244	Supervision and extension of lighting system.....	1912	364	713
276	Sewers.....	1909	212	334
276	Sewers.....	1912	122	227
278, added	Powers of sewer commissioners.....	1910	259	462
278-283, added	Board of public works.....	1910	626	1597
290	Acquisition of lands for parks or cemeteries.....	1909	469	1124
292	Ordinances of park or cemetery commissioners.....	1909	469	1125
295	Property in trust for park or cemetery.....	1909	469	1125
296	Reports of park and cemetery commissioners.....	1909	469	1125
297, added	Control and maintenance of parks.....	1909	469	1126
348a, added	Annexation of territory belonging to village.....	1912	124	230
359, added	Establishment of uncertain boundaries.....	1912	123	228
390	Laws repealed. ( <i>See note, L. 1909, p. 418.</i> ).....	1909	240	418

## II. CHANGES IN THE CODE OF CIVIL PROCEDURE, 1913.

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65	Proceedings after death or disability of attorney.....	741	1862
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319b, added	Vacation of judgment in certain cases.....	211	373
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427	Personal service of summons.....	279	506
435, 436	Substituted service of summons.....	230	401
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841b, added	Burden of proof of contributory negligence.....	228	400
841b, added	Recitals of heirship in deeds.....	395	836
872, subd. 7	Depositions within the state.....	278	504
982a, added	Actions relating to real property situate without state.....	76	133
990	Issues triable by court; place of trial.....	446	923
1237	Judgment roll to be filed; contents.....	545	1468
1260, opening ¶	Cancellation of docket of judgment.....	30	54
1356	Appeal from orders in special proceedings.....	572	1553
1569	Dower; gross sum in lieu of.....	450	928
1598	Defendants in actions for dower.....	773	1926

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1745	Annulled marriage; legitimacy of children.....	444	921
1761, added	Divorce, effect on insurance policy.....	536	1410
1780	When foreign corporation may be sued.....	60	100
1904, 1905	Actions for death by negligence.....	756	1894
2043	Discharge of prisoner unlawfully detained.....	544	1467
2067	Kinds of writs of mandamus, how granted.....	574	1554
2087	Appeals, orders relating to writs of mandamus.....	574	1555
2088	When relator to recover damages.....	574	1555
2091	Kinds of writs of prohibition, how granted.....	573	1553
2101	Appeals, writs of prohibition.....	573	1554
2231, subd. 5	Summary proceedings; illegal use of house.....	448	925
2235	Summary proceedings; who may maintain.....	448	925
2237	Petition in case of bawdy-houses, etc.....	448	926
2240	Service of petition in summary proceedings.....	277	503
2325a, added	Notices of pendency of action.....	69	120
2387	Foreclosure of mortgages.....	486	1165
2471	Receivers, proceedings supplementary to execution.....	480	1002
2510	Surrogates' courts; powers of clerks.....	439	916
2520	Citation; service in state.....	535	1409
2558, subd. 3	Costs of an executor on a contest.....	447	924
2618	Examination of witness to will.....	412	871
2624	Validity and construction of testamentary provisions.....	337	630
2660	Letters of administration; preference in application.....	403	846
2746	Distributive shares of infants.....	10	14
2842	Guardian to file annual inventory and account.....	533	1406
3047	Notice of appeal; service on justice.....	445	922
3048	Notice of appeal; service on respondent.....	445	922
3312	Compensation of deputy sheriffs and constables attending court.....	257	459
3314	Allowances to grand and trial jurors.....	257	459
3347, subd. 3	Application of certain provisions.....	485	1165
3347, subd. 4	Application of certain provisions.....	485	1165
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226	Drawing grand juries .....	213	376
517	Appeals from suspended sentences .....	125	207
586	Deposit instead of bail .....	133	223
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952p	Appointment of stenographers .....	212	374
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1850	86	Assessment and collection of taxes, § 48 .....	1912	347	683
1883	298	Charter, tit. 2, § 1, last sentence .....	1913	584	1585
1883	298	Charter, tit. 9, §§ 56-65, repealed .....	1912	358	707
1883	298	Charter, tit. 21, § 7, repealed .....	1912	359	708
1886	77	Amends charter. All repealed .....	1912	358	707
1886	256	Amends charter. All repealed .....	1912	358	707
1891	286	Amends charter, § 27, repealed .....	1912	358	707
1904	466	Street improvements, § 5 .....	1912	196	343
1907	212	Young Men's Association for Mutual Improvement, § 3 ..	1913	564	1541
		Albany county:			
1893	429	Clerk's office, indexes and records, §§ 1, 3 .....	1912	288	520
		Albion:			
1879	142	Charter, tit. 2, §§ 2, 5, amended; tit. 5, § 5, amended, § 14, added .....	1912	30	47
1879	142	Charter, tit. 9, § 2 .....	1913	575	1556
1879	142	Charter, tit. 10, §§ 5, 7 .....	1912	30	47

\*It is important to notice that the following table for laws, other than the consolidated laws and codes, gives the amendments and repeals of 1912, as well as those of 1913.

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1911	855	Retirement of employees, § 1.....	1912	486	1009
1911	855	Retirement of employees, § 1, amended; § 2, added.....	1913	138	229
		<b>Barge canal bonds:</b>			
1910	66	Issue and sale, § 2.....	1912	186	331
		<b>Batavia:</b>			
1884	195	Charter, tit. 4, § 10.....	1912	76	120
1884	195	Charter, tit. 8, § 1.....	1913	46	78
		<b>Bath:</b>			
1895	785	Charter, tit. 5, § 9.....	1912	365	714
		<b>Beacon:</b>			
....	...	Charter.....	1913	539	1413
		<b>Binghamton:</b>			
1869	294	Incorporating fire department. All repealed.....	1912	494	1023
1907	751	Charter, § 74.....	1913	158	288
1907	751	Charter, § 204.....	1912	402	775
		<b>Bronx county:</b>			
1912	548	Erection, §§ 4, 8.....	1913	266	483
		<b>Bronx river:</b>			
1907	594	Preserving waters from pollution, §§ 10, 15, subd. b, amended; § 18a, added; § 19, amended.....	1913	757	1895
		<b>Brooklyn:</b>			
1861	299	Fourth avenue improvement, § 7.....	1912	450	931
1896	372	Elevated railways, Adams street. All repealed.....	1913	525	1390
1907	120	Children's museum building, § 1.....	1912	130	242
		<b>Buffalo:</b>			
1859	239	Grosvenor library; trustees, § 2.....	1913	391	831
1891	105	Charter, § 27.....	1912	374	726
1891	105	Charter, § 115.....	1912	25	41
1891	105	Charter, §§ 137, 138, 140.....	1912	140	259
1891	105	Charter, § 187.....	1912	552	1372
1891	105	Charter, §§ 187, 188, 190, 191, 211.....	1912	198	345
1891	105	Charter, § 250.....	1912	367	718
1891	105	Charter, § 323c.....	1912	369	720
1891	105	Charter, § 329.....	1913	13	22
1891	105	Charter, § 395.....	1912	412	801
1891	105	Charter, § 401.....	1912	146	268
1891	105	Charter, § 474.....	1912	63	100
1898	76	Abandonment of Jubilee water system, §§ 3, 4.....	1912	551	1370
1903	240	Waterworks system. All repealed.....	1912	381	737
1909	115	Tuberculosis hospital, § 2.....	1912	138	254
1909	570	City court, § 10.....	1913	585	1587
1909	570	City court, § 20, subd. 10.....	1913	157	287

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1909	570	City court, § 41.....	1913	580	1569
1909	570	City court, § 51.....	1913	118	198
1909	570	City court, § 52.....	1913	601	1620
1909	570	City court, § 53.....	1913	157	287
1909	570	City court, § 55.....	1913	581	1570
1909	570	City court, § 57, added.....	1913	309	578
1909	570	City court, § 74.....	1913	601	1621
1910	28	Tuberculosis hospital, §§ 1, 2.....	1912	553	1374
1911	76	Waterworks system. All repealed.....	1912	381	737
1912	160	Naval militia boathouse, etc., § 2.....	1913	274	500
1912	281	Sinking fund water bonds, § 1.....	1913	39	65
		<b>Canandaigua:</b>			
1893	666	Charter, tit. 6, §§ 20, 22, 24, 25.....	1912	279	509
1893	666	Charter. All repealed.....	1913	371	794
1894	131	Amends charter. All repealed.....	1913	371	794
1902	264	Police department. All repealed.....	1913	371	794
1904	42	Amends charter. All repealed.....	1913	371	794
1904	469	Amends charter. All repealed.....	1913	371	794
1905	6	Amends charter. All repealed.....	1913	371	794
1905	371	Amends charter. All repealed.....	1913	371	794
1906	229	Police department. All repealed.....	1913	371	794
1906	633	Amends charter. All repealed.....	1913	371	794
1907	619	Amends charter. All repealed.....	1913	371	794
1909	364	Amends charter. All repealed.....	1913	371	794
1912	279	Amends charter. All repealed.....	1913	371	794
....	...	Charter.....	1913	371	678
		<b>Canterbury Fire Company:</b>			
1830	272	Charter, § 4a, added.....	1912	176	319
		<b>Catskill:</b>			
1860	68	Charter, §§ 1, 2, 4, 50.....	1913	115	191
		<b>Chautauqua county:</b>			
1890	547	County clerk, § 5.....	1913	310	579
		<b>Church Insurance Association:</b>			
1891	134	Charter, §§ 1, 2, 4, 7, 8, amended; § 13, added.....	1913	156	283
		<b>Cohoes:</b>			
1892	671	Charter, tit. 5, § 59.....	1912	350	686
		<b>Conrad Poppenhusen Association:</b>			
1868	667	Charter, §§ 1, 3, 9, 10, 12.....	1913	669	1762
		<b>Consolidated laws amended to correct errors:</b>			
1909	240	Forest, fish and game law, §§ 28-30, repealed.....	1912	318	636
		<b>Corning:</b>			
1905	142	Charter, § 110a, added.....	1912	425	832

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1900	160	Charter, § 74.....	1912	437	864
1905	263	<b>Cortlandt:</b> Appropriation to Helping Hand Hospital Association of Peekskill, § 1.....	1912	142	263
1910	564	<b>County roads, certain counties:</b> Acquisition of land for certain purposes, § 4, added; § 4 renumbered § 5.....	1913	473	993
1846	185	<b>Eastchester:</b> Trustees of public lands, §§ 1, 3, subds. 3-5; § 4.....	1913	120	200
1900	525	<b>Elmira:</b> Police pension fund, § 2.....	1912	529	1064
1906	477	Charter, § 32, subd. h.....	1913	8	12
1906	477	Charter, § 33.....	1912	523	1054
1911	289	<b>Enterprise Land Company:</b> Extension of corporate existence, § 1.....	1913	655	1711
1883	496	<b>Erie county:</b> Salary of county treasurer, § 2, repealed.....	1913	406	852
1911	561	<b>Factory investigating commission:</b> Time of report, § 3.....	1912	21	36
1899	85	<b>Fire or marine insurance corporations:</b> Minimum capital stock. All repealed.....	1913	27	52
1911	787	<b>Food investigating commission:</b> Time extension, § 3.....	1912	177	320
1909	474	<b>Forest, fish and game law amendments:</b> That part of § 1 adding or amending §§ 2, 4, 11, 13, 14, 76-78, 82, 84, 88, 91, 92, 98, 106, 109, 117, 124, 126, 134, 146, 150, 152, 153, 240, repealed.....	1912	318	636
1909	474	That part of § 1 adding or amending §§ 2, 4, 40, 56, 67-71, 73, 74, 75a, 75b, repealed.....	1912	444	923
1909	533	All. Compilation and digest of law, § 8, repealed.....	1912	318	636
1910	72	Reforesting lands, § 1, repealed.....	1912	444	923
1910	256	Sale of plumage of birds, §§ 1, 2, repealed.....	1912	318	636
1910	313	Saint Lawrence reservation. All repealed.....	1912	444	923
1910	476	Railroads in forest lands. All repealed.....	1912	444	923
1910	655	Suckers in Dutchess and Sullivan counties, § 157. All repealed.....	1912	318	636
1910	656	Robbins and Gardiners islands, § 174a. All repealed....	1912	318	636
1910	657	Amends generally, §§ 1, 2, 4, repealed.....	1912	318	636
1910	657	Section 3, amending §§ 40, 69, 73, 74, repealed.....	1912	444	923



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1910	664	Grouse and quail, Dutchess county, § 93. All repealed..	1912	318	636
1910	675	Game protectors, § 11. All repealed.....	1912	318	636
1911	170	Pheasants, § 96. All repealed.....	1912	318	636
1911	171	Open season defined, § 14, subd. 14. All repealed.....	1912	318	636
1911	188	Trout; open season, § 106. All repealed.....	1912	318	636
1911	238	Skunk farms, §§ 84, 84a. All repealed.....	1912	318	636
1911	299	Fishing in Seneca and Cayuga lakes, § 150. All repealed.	1912	318	636
1911	312	Pickeral and pike, § 117. All repealed.....	1912	318	636
1911	377	Open season for fish, Schuyler county, § 154a. All re- pealed.....	1912	318	636
1911	378	Spearing suckers, Schuyler and Chemung counties, § 154b. All repealed.....	1912	318	636
1911	423	Compilation of forest, fish and game law, § 8. All re- pealed.....	1912	318	636
1911	438	Breeding and sale of game, §§ 6, 77, 78a, 80-82, 85a, 86- 93, 96a-96c, 241. All repealed.....	1912	318	636
1911	508	Suckers; Dutchess, Sullivan and Ulster counties, § 157. All repealed.....	1912	318	637
1911	529	Clearing lands, certain counties. All repealed.....	1912	444	923
1911	530	Fishing in Lake George, § 154. All repealed.....	1912	318	637
1911	580	Spearing, hooking and set lines, § 153. All repealed.....	1912	318	637
1911	582	Open season lake trout; nets in Seneca lake, §§ 109, 150. All repealed.....	1912	318	637
1911	583	Deer; open season, § 76. All repealed.....	1912	318	637
1911	589	Schuyler county; set lines in certain waters, § 154b. All repealed.....	1912	318	637
1911	590	Spearing, hooking and set lines, § 153. All repealed.....	1912	318	637
1911	591	Thumping; nets in Hudson and Delaware rivers, §§ 128, 147.....	1912	318	637
1911	592	Amends generally, §§ 81, 106, 124, 152. All repealed....	1912	318	637
1911	627	Close season for pheasants, § 96. All repealed.....	1912	318	637
1911	635	Hares and rabbits, § 82. All repealed.....	1912	318	637
1911	636	Warren, Essex, Washington and Saratoga counties, cer- tain waters, § 154. All repealed.....	1912	318	637
1911	647	Lands and forests, §§ 50, 51, repealed.....	1912	444	923
1911	647	Fish and game, §§ 150-178, repealed.....	1912	318	637
1911	835	Penalties, etc. All repealed.....	1912	444	923
1911	854	Hunting license, § 104. All repealed.....	1912	318	637
		<b>Franklin county:</b>			
1911	137	County road system, §§ 3, 5.....	1913	58	96
		<b>Fulton monument:</b>			
1907	676	Extension of Riverside park, §§ 1, 2.....	1913	90	157
		<b>Harlem river and Spuyten Duyvil creek:</b>			
1876	147	Improvement by United States, §§ 13-16, added.....	1913	414	873

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1911	154	Appropriation for expediting building of state routes, § 2..	1912	325	651
1911	741	Appropriation for expediting building of state routes, § 1..	1912	439	874
		<b>Hoosick Falls:</b>			
1909	541	Street improvement, § 14.....	1912	184	327
1909	541	Street improvement, § 16.....	1912	8	20
		<b>Hornell:</b>			
1906	288	Charter, § 71, amended; § 193a, added; § 194, amended..	1912	128	237
		<b>Hudson:</b>			
1895	751	Charter, §§ 7, 9-14, 16, 20, 29, 38.....	1913	63	104
1895	751	Charter, § 151.....	1913	314	587
		<b>Ithaca:</b>			
1908	503	Charter, §§ 6, 20, amended; § 20a, added; § 44, amended..	1912	139	255
1908	503	Charter, §§ 180, 188, subd. 3; §§ 181, 195.....	1912	438	871
		<b>Jamestown:</b>			
1902	274	Special terms of supreme court, § 1.....	1913	449	927
1907	387	Charter, §§ 25, 28, 31, 34, 64, 116, 137, 173, 178, amended..	1912	80	125
		<b>Jurors, Commissioners of:</b>			
1895	369	Qualifications of jurors, § 20.....	1912	147	269
		<b>Kings county:</b>			
1896	772	District attorney's office; clerks, § 3.....	1913	401	844
1901	706	Register, § 2.....	1913	776	1964
1909	390	Court house, §§ 6-8.....	1912	357	704
		<b>Lackawanna:</b>			
1909	574	Charter, §§ 16, 86.....	1912	355	699
1909	574	Charter, § 197.....	1912	129	240
		<b>Lake Champlain tercentenary commission:</b>			
1908	149	Permanent memorials to Samuel Champlain; report, § 4..	1912	273	502
		<b>Little Falls:</b>			
1895	565	Charter, § 17.....	1912	197	344
		<b>Lockport:</b>			
1911	870	Charter, §§ 69, 281.....	1912	416	808
		<b>Long Sault Development Company:</b>			
1907	355	Charter. All repealed.....	1913	452	931
		<b>Lyons:</b>			
1907	459	School district number 6, § 1.....	1913	376	810
1907	750	Charter, §§ 4, 35.....	1912	133	246

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		<b>Mechanicville:</b>			
1891	106	Charter, tit. 3, § 5, added.....	1913	409	860
1891	106	Charter, tit. 5, § 3, subds. 30, 31; tit. 7, § 15.....	1913	264	479
1901	45	Public park, title, §§ 4, 5.....	1913	263	477
		<b>Medina:</b>			
1909	545	Charter, §§ 7, 11, 50.....	1912	7	18
		<b>Middletown:</b>			
1902	572	Charter, § 107, subd. 8, added; § 112a, added; § 119, subd. 1, amended.....	1912	415	805
		<b>Mohawk:</b>			
1844	157	Charter, § 17, subd. 25, added.....	1913	20	33
1844	157	Charter, § 17, subd. 25.....	1913	255	451
		<b>Mohawk and Hudson River Humane Society:</b>			
1902	261	Detention of minors, § 1.....	1913	294	533
		<b>Mohawk river and West Canada creek improvements:</b>			
1911	132	Appropriation, § 3a, added.....	1913	245	434
		<b>Monroe county:</b>			
1864	368	Special county judge, § 3.....	1912	339	670
		<b>Montgomery county:</b>			
1859	390	Auditing of accounts. All repealed.....	1913	119	199
		<b>Mount Vernon:</b>			
1892	182	Charter, §§ 11, 23, repealed.....	1912	430	853
1892	182	Charter, new §§ 11, 23, added.....	1912	430	853
1892	182	Charter, § 128.....	1912	410	796
1892	182	Charter, § 158.....	1913	99	167
1892	182	Charter, §§ 229t, 229u.....	1913	44	72
1905	87	Buildings for fire and police departments, § 1.....	1912	132	245
1905	87	Buildings for fire and police departments, § 1.....	1913	98	166
1909	361	Repaving streets, § 1.....	1912	159	290
1910	75	Municipal building, § 1.....	1913	97	165
1911	127	Water supply, §§ 15, 16.....	1912	478	996
		<b>Newburgh:</b>			
1907	203	Charter, tit. 3, § 9, subd. 37.....	1912	414	804
1907	203	Charter, tit. 4, § 7.....	1912	395	762
		<b>New Rochelle:</b>			
1910	559	Charter, §§ 12, 271-273.....	1913	225	394
		<b>New York city:</b>			
1882	410	Consolidation act, § 1503.....	1912	191	338
1887	696	Charitable institutions exempt from water rents, §§ 1, 2..	1913	226	395
1890	523	Sheriff, § 1.....	1912	500	1028
1890	523	Sheriff, § 1.....	1913	373	807

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1891	4	Rapid transit act, § 4.....	1913	100	168
1891	4	Rapid transit act, § 10.....	1912	226	411
1891	4	Rapid transit act, § 20.....	1913	510	1352
1891	4	Rapid transit act, § 24, subds. 1, 6.....	1912	226	412
1891	4	Rapid transit act, § 24a, added.....	1913	524	1383
1891	4	Rapid transit act, § 26, subd. 2, § 27, subd. 1, amended; § 27, subd. 2, added; § 27, subds. 2-4 renumbered subds. 3-5, and amended; § 27, subd. 5, renumbered subd. 6; § 27, subds. 6-8 renumbered subds. 7-9, and amended; § 27, subd. 9 renumbered subd. 10; § 29, subd. 3, §§ 33, 34, subd. 2.....	1912	226	417
1891	4	Rapid transit act, § 36.....	1913	540	1456
1891	4	Rapid transit act, § 37, subds. 1, 2.....	1913	540	1457
1891	4	Rapid transit act, § 38.....	1912	226	438
1891	4	Rapid transit act, § 39, subd. 1.....	1912	226	438
1891	4	Rapid transit act, § 39, subd. 1.....	1913	524	1389
1891	4	Rapid transit act, § 39, subd. 2, amended; § 39, subd. 2a, added; § 39, subd. 4, amended.....	1913	540	1459
1896	803	Plumbing. All repealed.....	1913	752	1889
1897	378	Charter, § 18.....	1912	131	243
1897	378	Charter, § 58.....	1913	418	881
1897	378	Charter, § 149.....	1912	398	766
1897	378	Charter, § 162.....	1913	31	54
1897	378	Charter, § 163.....	1912	396	764
1897	378	Charter, § 165.....	1912	479	998
1897	378	Charter, § 181.....	1912	492	1015
1897	378	Charter, § 188.....	1912	457	972
1897	378	Charter, § 205.....	1913	259	461
1897	378	Charter, § 205b, added.....	1912	400	771
1897	378	Charter, § 215.....	1913	33	56
1897	378	Charter, § 222.....	1912	6	13
1897	378	Charter, § 230, subd. 3.....	1913	299	543
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1897	378	Charter, § 237.....	1913	36	60
1897	378	Charter, § 243a, added.....	1913	331	622
1897	378	Charter, § 258a, added.....	1912	435	862
1897	378	Charter, § 261.....	1912	452	934
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1897	378	Charter, § 395, subd. 3, added.....	1912	433	858
1897	378	Charter, §§ 415, 416, added.....	1913	754	1890
1897	378	Charter, § 420.....	1912	528	1062
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1897	378	Charter, § 663.....	1912	446	926

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1897	378	Charter, § 689.....	1912	401	772
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1897	378	Charter, § 734.....	1912	462	981
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1897	378	Charter, § 774, 775, subds. 2, 3.....	1913	695	1803
1897	378	Charter, § 775a, added.....	1912	458	975
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1897	378	Charter, § 819.....	1913	327	610
1897	378	Charter, § 821.....	1912	434	860
1897	378	Charter, § 821.....	1913	411	868
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1897	378	Charter, §§ 888a, 889a, 891a, added; §§ 895, 897, amended.....	1913	324	603
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1897	378	Charter, § 910.....	1913	680	1781
1897	378	Charter, § 937.....	1912	461	980
1897	378	Charter, § 948.....	1912	484	1006
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1897	378	Charter, § 1019.....	1913	685	1790
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1897	378	Charter, § 1545a, added.....	1913	697	1807
1897	378	Charter, § 1553.....	1912	436	863
1897	378	Charter, § 1567.....	1913	121	202
1897	378	Charter, § 1568, added.....	1912	353	697
1897	378	Charter, § 1569, added.....	1912	432	857
1897	378	Charter, § 1569a, added.....	1913	694	1802
1897	378	Charter, § 1569b, added.....	1912	251	474
1897	378	Charter, ch. 23, tit. 5 (§§ 1572-1574), added.....	1913	755	1892
1902	580	Municipal court act, § 231b, added.....	1913	690	1798
1902	580	Municipal court act, § 310.....	1913	386	826
1902	580	Municipal court act, § 340.....	1912	468	986
1902	580	Municipal court act, § 351a, added.....	1913	692	1801
1906	639	New York bay pollution commission, § 5.....	1913	332	622
1907	164	Queens Borough public library, § 3.....	1913	541	1464
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1910	659	Inferior criminal courts act, § 39a, added.....	1913	691	1799
1910	659	Inferior criminal courts act, § 52.....	1912	464	983
1910	659	Inferior criminal courts act, § 52.....	1913	372	795
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1910	659	Inferior criminal courts act, § 71.....	1912	469	987
1910	659	Inferior criminal courts act, § 72.....	1913	372	796
1910	659	Inferior criminal courts act, § 72a, added.....	1912	467	986
1910	659	Inferior criminal courts act, § 72a.....	1913	372	796
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1910	659	Inferior criminal courts act, § 75a, added.....	1913	372	797
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1910	659	Inferior criminal courts act, § 88.....	1913	372	801
1910	659	Inferior criminal courts act, § 88a, added.....	1913	372	803
1910	659	Inferior criminal courts act, § 89.....	1912	460	980
1910	659	Inferior criminal courts act, § 89.....	1913	372	804
1910	659	Inferior criminal courts act, § 90, amended; § 91, repealed; § 92, amended; §§ 92a, 98a, added.....	1913	372	805
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1911	776	Water-front facilities, § 2, subds. (d), (e), (f), (g), (i), (j), (l); §§ 4, 5, amended; § 6 renumbered § 8c, and amended; § 6, added; § 7, amended; § 8 renumbered § 8d, and amended; §§ 8, 8a, 8b, added.....	1913	521	1369
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1893	410	Charter, § 1.....	1912	304	557

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1862	359	<b>New York Commercial Association:</b> Charter, § 5.....	1912	291	526
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1890	523	Sheriff, § 1.....	1913	373	807
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1899	151	<b>Niagara county:</b> Election of county treasurer. All repealed.....	1912	234	449
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1904	300	Charter, § 16, subd. 5, repealed.....	1912	324	645
1904	300	Charter, § 16, subd. 6 renumbered subd. 5, and amended; § 16, subd. 7 renumbered subd. 6; § 16, subds. 8, 9 renum- bered subds. 7, 8, and amended; § 16, subds. 10-15 renumbered 9-14; § 16, new subd. 15, added; §§ 163, 211, amended; art. 7, title amended; art. 7 new sub-title, added; §§ 330-334, added; §§ 362, 363, amended.....	1912	324	645
1907	752	<b>North Tonawanda:</b> Charter, tit. 3, §§ 3, 6, 8, 10, 14.....	1912	417	810
1907	752	Charter, tit. 24, § 1.....	1912	394	761
1904	7	<b>Norwich:</b> Charter, tit. 6, § 9.....	1913	93	161
1887	107	<b>Nyack fire department:</b> Charter, § 8.....	1913	222	391
1893	87	<b>Ogdensburg:</b> Charter, § 19, subd. 14.....	1912	85	152
1893	87	Charter, § 19, subd. 15, repealed.....	1912	85	153
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1902	274	<b>Olean:</b> Special terms of supreme court, § 1.....	1913	449	927



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1911	648	Charter, § 236, added.....	1913	174	320
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1898	321	Sheriff, §§ 1, 4.....	1913	298	539
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1867	858	Collection of taxes, § 1.....	1913	301	549
1893	520	County clerk, § 3.....	1912	244	463
		<b>Orange county:</b>			
1911	876	Poor district number one, § 2....	1913	407	852
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1910	667	Charter, § 114.....	1912	24	40
1910	667	Charter, § 133.....	1913	123	205
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1895	394	Charter, § 330a.....	1913	282	510
1895	394	Charter, §§ 330b-330j, added.....	1912	411	798
1895	394	Charter, § 330k, added.....	1912	411	801
1895	394	Charter, § 330k.....	1913	282	512
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1909	592	Sale of site; disposition of proceeds, § 4.....	1912	487	1010
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1883	117	Charter, tit. 7, § 2, subd. 3, amended; tit. 7, § 2, subd. 3 (as added by L. 1905, ch. 511), renumbered subd. 4....	1912	326	651
1883	117	Charter, tit. 9, § 2.....	1912	23	38
1911	735	Jail and police court and headquarters. All repealed....	1913	336	629
		<b>Plattsburgh:</b>			
1902	269	Charter, §§ 7, 10, 11, 24, 26, 31, 39, subd. 8, amended; § 45, subd. 18, amended, subds. 27-30, added; § 60, amended; § 60a, added; §§ 72, 73, 115, 147, 148, 157, 158, 165, amended.....	1912	428	838
		<b>Port Chester:</b>			
1868	818	Charter, tit. 5, § 29.....	1912	19	33
1868	818	Charter, tit. 5, § 50.....	1912	18	31
1899	517	Paving streets, § 3.....	1912	17	30
1903	285	Police department, §§ 1, 2, amended; §§ 16-19, added...	1912	295	535
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1858	138	Improvement and repair of highway, § 2. (See note, L. 1913, p. 447).....	1913	252	447
1907	164	<b>Queens Borough Public Library:</b> Charter, § 3.....	1913	541	1464
1899	441	<b>Queens county:</b> Commissioner of jurors, § 9.....	1913	438	915
1897	359	<b>Rensselaer:</b> Charter. All repealed.....	1913	481	1159
1898	326	Amends charter. All repealed.....	1913	481	1159
1901	294	Amends charter. All repealed except § 259.....	1913	481	1159
1902	92	Amends charter. All repealed.....	1913	481	1159
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1903	56	Amends charter. All repealed.....	1913	481	1159
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1908	258	Amends charter. All repealed.....	1913	481	1159
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1910	597	Amends charter. All repealed.....	1913	481	1159
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1907	755	Charter, § 96.....	1912	55	83
1907	755	Charter, § 188, subd. 4, added.....	1912	354	698
1907	755	Charter, § 273.....	1912	370	721
1907	755	Charter, § 336, subd. 1, ¶ (f).....	1912	54	82
1907	755	Charter, § 353, added.....	1912	58	88
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1866	220	Charter, § 92, added.....	1912	366	716
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1866	220	Charter, § 93, added.....	1912	366	717
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1866	220	Charter, § 94, added.....	1912	127	235
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1866	220	Charter, § 94a, added.....	1913	164	304
1866	220	Charter, §§ 95-102, added.....	1912	127	235
1872	323	Receiver of taxes, § 5.....	1913	105	175
1873	670	Sewers, § 4. (See foot note, L. 1912, p. 1059.).....	1912	526	1059
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1880	68	Tax sales, § 9 renumbered § 10.....	1913	170	317
1880	68	Tax sales, § 9, added.....	1913	170	316
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1855	357	School district number one in town of Seneca, Ontario county. All repealed.....	1913	427	904
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1870	9	School district number one in town of Seneca, Ontario county. All repealed.....	1913	427	904
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1839	4	Amends charter. All repealed.....	1912	143	266
1862	18	<b>Utica:</b> Charter, § 99.....	1913	160	290
1865	659	Collection of taxes, §§ 2, 4, 7, amended; §§ 5, 6, repealed..	1913	287	520
1907	161	Firemen's pension fund, § 5, subd. 1, amended, subd. 4, added.....	1912	345	680
1907	351	Park board, § 3a, added.....	1913	276	503
1910	565	<b>Wales:</b> Cancellation of Big Tree road assessment. All repealed..	1913	78	135
1819	66	<b>Washington county:</b> Jury districts. All repealed.....	1913	15	24
1911	184	<b>Watervliet:</b> Charter, § 17.....	1912	423	820
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1905	646	Sewer system, §§ 3, 4, 14.....	1912	550	1361
1905	646	Sewer system, § 17.....	1913	417	880
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1867	518	<b>White Plains:</b> Charter, tit. 2, §§ 4, 8.....	1912	493	1017
1867	518	Charter, tit. 2, §§ 18, 19.....	1913	300	544
1867	518	Charter, tit. 4, § 1.....	1912	493	1020
1867	518	Charter, tit. 4, § 1.....	1913	300	546
1867	518	Charter, tit. 4, § 8.....	1912	126	232
1867	518	Charter, tit. 4, § 8.....	1913	300	544
1867	518	Charter, tit. 7, § 20.....	1912	493	1022
1905	148	Public library, § 3.....	1913	14	23
1911	666	Police pension fund, § 2, subd. 8, added.....	1913	661	1747
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Canandaigua	New York	Salamanca
Cohoes	Newburgh	Syracuse
Corning	Ogdensburg	Tonawanda
Elmira	Olean	Troy
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Cortland	Oneida	Steuben
Dutchess	Onondaga	Suffolk
Erie	Ontario	Sullivan
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